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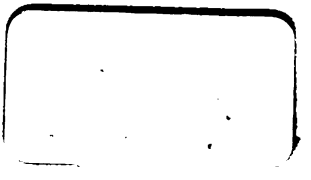

Pennsylvania Laws, Statutes, &c.

LAWS

OF THE

COMMONWEALTH

OF

PENNSYLVANIA:

FROM THE FIRST DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND ONE, TO THE FOURTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND THREE.

PUBLISHED,

UNDER THE AUTHORITY OF THE LEGISLATURE,

BY

THOMAS M'KEAN THOMPSON.

VOL. V.

LANCASTER:

PRINTED BY GEORGE HELMBOLD, JUNIOR.

1803.

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TABLE OF PRIVATE ACTS.

AN ACT for the relief of Edmund Milne - p. 6. ch. 2
An ACT for the relief of Peter Williams - - p. 28. ch. 15
An ACT to authorise the sale of the estate of Catharine Erringer, a lunatic, and for other purposes therein mentioned - - p. 30. ch. 17
An ACT for the relief of William Hill, of the state of Massachusetts, and Esther his wife, and to confirm in Burton Wallace and his heirs forever, the title to a certain messuage and lot of ground therein mentioned - p. 45. ch. 20
An ACT for the relief of John Berrell - - p. 55. ch. 24
An ACT for the relief of Michael Cox - - p. 62. ch. 29
An ACT to enable James Wickersham, Samuel Garretson and Ezekiel Kirk, to convey a certain piece of land, in the township of Newbury, York county p. 64. ch. 30
An ACT to authorise John Sherer to erect a wing-dam on Monongahela river, in the county of Allegheny - - p. 80. ch. 36
An ACT for the relief of divers inhabitants of the county of Adams p. 84. ch. 41
An ACT for the relief of Lewis Garanger - - p. 91. ch. 46
An ACT to enable the trustees of the religious society of Moravians or United Bretheren, in Mountjoy township, Lancaster county, to convey certain land, therein mentioned, to Henry Meyer - - p. 92. ch. 47
An ACT granting unto Thomas Smith and John Smith, an island and bar in the river Delaware - - - p. 94. ch. 48
An ACT to empower the trustees of the English Presbyterian church, in Allen township, in the county of Northampton, to make conveyance and assurance of the tract or piece of land therein mentioned - p. 97. ch. 50
An ACT to enable General John Steele and William Calhoun, to sell and convey a certain tract of land therein mentioned - p. 105. ch. 53
An ACT incorporating the Magdalen Society, in the city of Philadelphia p. 106. ch. 54
An ACT for the relief of the estate of Sarah Caldwell p. 113. ch. 57
An ACT for the relief of Isaac Wiley and James Calhoun p. 125. ch. 60
An ACT dissolving the marriage between David M'Kissick and Margaret his wife - - - p. 129. ch. 63
An ACT in aid of the congregation of Bangor church, in Carnarvon township, in the county of Lancaster p. 132. ch. 65
An ACT to dissolve the marriage contract between John Kunius and Bathsheba his wife, late Bathsheba Troth p. 138. ch. 69
An ACT to vest in the Trustees of the Roman Catholic Society of St. Mary's Church, in the city of Philadelphia, for the benefit of the Poor of said Society, such part of the estate of Peter Bonaventure d'Artois, as is declared to have escheated to the Commonwealth p. 141. ch. 71
An ACT to authorise Marcus Hulings, to erect a toll-bridge over French creek, opposite Turkey-street, in the town of Franklin p. 167. ch. 81
An ACT to authorise Abraham Landis, to erect a mill-dam in Swatara creek, in the county of Dauphin p. 298. ch. 103
An ACT authorising Hugh Beaty, acting administrator of James Beaty, to convey certain lots adjoining New-Berlin, in Northumberland county p. 300. ch. 104
An ACT to grant James Moore, a fractional part of the reserved tract of land, at the mouth of Big Beaver creek p. 302. ch. 105
An ACT to dissolve the marriage contract between Alexander Dick and Catharine his wife, late Catharine Wolf p. 303. ch. 106

An

An ACT to raise by way of lottery, a sum of money to defray the expence of rebuilding a church in the borough of York p. 314. ch. 111
An ACT to authorise Charles Smith, of the borough of Lancaster, his heirs and assigns, to erect and maintain a wing-dam in the river Juniata, under certain restrictions p. 316. ch. 102
An ACT authorising William Wright, to lead off and use part of the waters of the Susquehanna, on his own land, in York county. p. 343. ch. 116
An ACT to authorise Samuel Bell and Nicholas Gerst, their heirs and assigns respectively, to erect mill-dams on Swatara creek, in the county of Dauphin p. 345. ch. 117
An ACT to vest in Sophia Biddle, for the use of herself and children, certain parts of the forfeited estate of John Biddle, which have not yet come into the possession of this commonwealth - - p. 348. ch. 119
An ACT dissolving the marriage between John Alexander and Hannah his wife p. 356. ch. 125
An ACT to raise by way of lottery, a sum not exceeding five thousand dollars, for the purpose of completing the building of the Bustleton academy in the county of Philadelphia - - - p. 365. ch. 130
An ACT to empower Samuel Miles, to sell and convey certain real estate in the same act mentioned, and for other purposes - p. 372. ch. 134
An ACT for the relief of Dickinson college - p. 463. ch. 146
An ACT to authorise the commissioners of Montgomery county and their successors in office, to raise money by toll, for paying a part of the expences of erecting a bridge over Manatawny creek, near Pottsgrove, on the road leading from Philadelphia to Reading - - - p. 465. ch. 147
An ACT for the relief of Doctor Robert Johnson - p. 469. ch. 148
A SUPPLEMENT to the act, entitled "An act to empower and direct Ann "M'Farren, John Agnew and William M'Clean, administrators of all and sin- "gular the goods and chattels, rights and credits, which were of the estate of "Amos M'Ginley, deceased, to convey certain lands in Hamilton's bann and "Cumberland townships, in York county, to sundry persons to whom the said "Amos M'Ginley was a trustee, and to vest the same in the grantees" p. 471. ch. 149
An ACT for raising by way of lottery, a sum not exceeding ten thousand dollars for the purpose of discharging the debts owing by the trustees of the German religious society of Roman Catholics, of the Holy Trinity church, in the city of Philadelphia, and for providing means to support a school under their patronage p. 473. ch. 150
An ACT to enable Martin Hocker, to obtain a title to a lot of land, in the township of Paxton and county of Dauphin - p. 506. ch. 154
A SUPPLEMENT to the act, entitled "An act for the relief of the estate of "Sarah Caldwell" - - p. 569. ch. 158
An ACT enabling certain trustees, to sell and dispose of the real estate of David Hayes, a lunatic - - - p. 571. ch. 159
An ACT granting to Peter Smith and Elizabeth his wife, the donation land to which Nicholas Ungerman, a soldier in the fourth Pennsylvania regiment, was by law entitled - - - p. 577. ch. 162
An ACT affording compensation to Benjamin Alexander, Thomas M'Millan and others, for ascertaining the centre of Mercer county p. 580. ch. 164
An ACT to vest in the devisees of James Parrock, deceased, such parts of the forfeited estate of John Parrock, which have not been sold by this commonwealth - - - p. 620. ch. 174

ACTS

OF THE

GENERAL ASSEMBLY

OF

PENNSYLVANIA.

CHAPTER I.

An ACT *to tax the office of the Prothonotary or Clerk of the Supreme Court.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the prothonotary or clerk of the supreme court, shall from and after the first day of April next ensuing the date of this act, keep, or cause to be kept, a fair and accurate account of all the fees received in his office; and shall once in each and every year thereafter, furnish a copy thereof upon oath or affirmation, to the register and comptroller-general.

Prothonotary to keep an account of fees.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the register and comptroller-general, shall proceed with the account so furnished by the prothonotary or clerk of

the ſupreme court, in the following manner

Yearly amount above 2000 dollars to be taxed 75 per cent.

that is to ſay: Of the amount of fees receive by the ſaid prothonotary or clerk during th ſpace of one year, two thouſand dollars ſhall b and remain clear of tax, and ſhall be deducte from the amount of fees ſo received durin one year, and the remainder of the ſaid ac count ſhall be taxed ſeventy-five per cen which ſaid taxes ſhall be charged to the ſai prothonotary or clerk, in the books of th comptroller and regiſter-general; and th ſaid prothonotary or clerk, ſhall forthwith up on the ſettlement of his account as aforeſaid pay into the ſtate-treaſury the amount of th

Proviſo as to fees due.

ſaid taxes: *Provided always*, That the arrear of fees which may be due to the ſaid prothono tary or clerk, on the thirty-firſt day of Marc next enſuing the date hereof, and which ma be paid after that day, are not intended to b included within the proviſions of this act.

Powers of the regiſter and comptroller.

Sec. 3. *And be it further enacted by the au thority aforeſaid*, That the regiſter-general ſhal have the ſame powers to compel the ſaid pro thonotary or clerk, to furniſh his account fo ſettlement, and the comptroller-general t compel the payment thereof as they have i other caſes.

Tax of one dollar on every writ, &c. to ceaſe.

Sec. 4. *And be it further enacted by the au thority aforeſaid*, That ſo much of the act fo the more ſpeedy and effectual adminiſtratio of juſtice, paſſed the twenty-fifth day of Sep tember, one thouſand ſeven hundred and eighty ſix, as directs the prothonotary of the ſuprem court to pay into the ſtate-treaſury, the ſun of one dollar upon every writ of capias a reſpondendum, ſummons or other writ, ſha ceaſe, determine, and become void, on the firſ

da

ay of April, next enſuing the date of this act: *Provided always*, That the arrears of the tax which may then be due under the ſaid act, ſhall not be affected thereby. Proviſo as to arrears due.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

JOHN WOODS, *Speaker of the Senate.*

IN THE HOUSE OF REPRESENTATIVES.

Monday, December 7th, 1801.

Mr. Thompſon, the Secretary of the commonwealth, being introduced, preſented to the chair, a meſſage from the Governor, which was read as follows, viz.

To the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania.

GENTLEMEN,

THE bill, entitled "An act to tax the office of prothonotary or clerk of the ſupreme court;" which was preſented to me near the cloſe of the laſt ſeſſion, has not been ſent back within three days after your preſent meeting, ſo that it is now become a law. I have directed it to be returned to the houſe of repreſentatives in which it originated.

This is intended as an additional evidence of the deference I pay to the opinion of the legiſlature, by prefering it to my own.

THOMAS M'KEAN.

Lancaſter, December 5th, 1801.

Extract from the Journal,
MATTHEW HUSTON, *C. H. R.*

CHAP-

CHAPTER II.

An ACT *for the relief of Edmund Milne.*

WHEREAS, Edmund Milne hath by his petition ſet forth that he paid to John Nicholſon, then comptroller-general, the balance of a judgment obtained againſt him, which ſtill continues a lien on his property and from which it cannot be relieved, unleſs an act be paſſed declaring the ſaid judgment ſatisfied; and as by the receipt of the ſaid comptroller, it appears that the money was paid by the ſaid Edmund Milne.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the attorney-general cauſe ſatisfaction to be entered on record, in the ſuit inſtituted in the name of John Hazlewood in behalf of the commonwealth, againſt Edmund Milne and John Vandeeren.

ISAAC WEAVER, *junior Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—December the nineteenth, 1801:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP.

CHAPTER III.

An ACT *altering the manner of electing a Treaſurer of the corporation of the city of Philadelphia.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That ſo much of the fourth ſection of an act of aſſembly, paſſed on the ſeventh day of April, one thouſand ſeven hundred and ninety-nine, entitled "An Act to "ſupply certain defects in the acts incorporating the city of Philadelphia and ſundry "towns and boroughs within this common"wealth, and to explain and amend an act, "entitled "An Act to alter and amend the "ſeveral acts of the general aſſembly of this "commonwealth, incorporating the city of "Philadelphia, and for other purpoſes;" as provides that the treaſurer of the corporation of the city of Philadelphia ſhall be appointed as heretofore, be, and the ſame is hereby repealed. Repeal of part of former law.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That from and after the paſſing of this act, the treaſurer of the ſaid corporation ſhall be appointed annually by the joint votes of the members of the ſelect and common councils of the ſaid city, in the ſame manner as the conſtitution of this commonwealth preſcribes for the appointment of the ſtate- Treaſurer to be appointed by joint vote.

ſtate-treaſurer, and not otherwiſe, any law t
the contrary notwithſtanding.

ISAAC WEAVER, *junior*, *Speaker*
of the Houſe of Repreſentative

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—January the ſeventh, 1802:
THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennſylvania.

CHAPTER IV.

An ACT *for the eſtabliſhment of a College at Ca*
nonſburg, in the county of Waſhington, in th
Commonwealth of Pennſylvania.

WHEREAS, the eſtabliſhment of a col
lege at Canonſburg, in the county o
Waſhington, for the inſtruction of youth in th
learned languages, in the arts and ſciences, an
in uſeful literature, would tend to diffuſe in
formation and promote the public good: There
fore,

Section 1. *Be it enacted by the Senate an*
Houſe of Repreſentatives of the Commonwealth
Pennſylvania, in General Aſſembly met, and it
hereby enacted by the authority of the ſame, Th
there be erected, and hereby is erected an
eſtabliſhed in Canonſburgh, in the county
Waſhington, in this Commonwealth, a co
leg

A college erected at Canonſburg.

lege for the education of youth in the learned languages, the arts, ſciences, and uſeful literature; the ſtyle name and title of ſaid college, and the conſtitution thereof ſhall be, and are hereby declared to be as is herein after mentioned and defined, that is to ſay: The ſaid college ſhall be under the management, direction, and government of a number of truſtees, not exceeding twenty-one, and the firſt truſtees of the ſaid college ſhall conſiſt of the following perſons, to wit: Reverend John M'Millan, Joſeph Patterſon, Thomas Marquis, Samuel Ralſton, John Black, James Powers, James Dunlap, and John M'Pharrin; James Edgar, John M'Dowell, James Alliſon, William Findley, Craig Ritchie, John Hamilton, Joſeph Vance, Robert Mahon, James Kerr, and Aaron Lyle, eſquires; Alexander Cooke, John Mercer, and William Hughes.

Truſtees appointed.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the ſaid truſtees and their ſucceſſors to be elected in the manner herein after mentioned, ſhall forever hereafter, be and they are hereby erected, eſtabliſhed and declared, to be one body politic and corporate, with perpetual ſucceſſion, in deed and in law, to all intents and purpoſes whatſoever, by the name, ſtyle, and title, of "The truſtees of Jefferſon "college, in Canonſburgh, in the county of "Waſhington," by which name and title, they the ſaid truſtees, and their ſucceſſors, ſhall be competent and capable at law and in equity, to take to themſelves and their ſucceſſors, for the uſe of the ſaid college, any eſtate in any meſſuages, lands, tenements, heriditaments, goods, chattels, monies, or other effects, by the gift, grant, bargain, ſale, conveyance, aſſurance, will, deviſe, or bequeſt of any perſon or perſons

Truſtees incorporated.

perſons whomſoever or whereſoever: *Provided*, The ſame do not exceed in the whole, the yearly value of ſix thouſand dollars, and the ſame meſſuages, lands, tenements, heriditaments, and eſtate, real and perſonal, to grant, bargain, ſell, convey, aſſure, demiſe and to farm-let, and to place out on intereſt, or otherwiſe diſpoſe of, for the benefit of the ſaid college, in ſuch manner as to them or a majority of them, ſhall ſeem moſt beneficial for the inſtitution; and to receive the rents, iſſues, profits, income and intereſt thereof, and to apply the ſame to the proper uſe and ſupport of the ſaid college; and by the ſame name, to ſue, proſecute and defend, implead and be impleaded, in any court or courts of law or equity and in all manner of ſuits or actions, whatſoever, and generally, by and in the ſame name, to do and tranſact all and every the buſineſs, touching or concerning the premiſes, as fully and effectually, as any natural perſon, or body politic or corporate, within this commonwealth may or can do: and to hold, enjoy and exerciſe, all ſuch powers, authorities and juriſdictions, as are cuſtomary in other colleges, in the United States of America.

Corporation to meet yearly.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That there ſhall be a meeting of the ſaid truſtees, at leaſt once in every year, at the town of Canonſburgh, at ſuch time as the ſaid truſtees or a majority of them ſhall appoint, of which notice ſhall be given, either by public advertiſements, in one of the public newſpapers of the town of Waſhington, in the county of Waſhington, four weeks before ſuch meeting, or by notice in writing, ſigned by the clerk or other officer, whom the ſaid truſtees for that purpoſe may appoint, and to be left at the

the dwelling houſe of each truſtee, at leaſt ten days before the time of ſuch intended meeting, and if at ſuch meeting, eleven of the ſaid truſtees ſhall not be preſent, thoſe preſent ſhall have power to adjourn the meeting, to any other day, as fully and effectually, to all intents and purpoſes, as if the whole number of truſtees, for the time being, were preſent; but if eleven or more of the ſaid truſtees ſhall meet at the ſaid appointed times, or at any other time of adjournment, then ſuch number ſo met, ſhall be a board or quorum, and a majority of them ſhall be capable of doing and tranſacting all the buſineſs and concerns of the ſaid college, not otherwiſe provided for by this act; and particularly of making and enacting ordinances, for the government of ſaid college, of filling vacancies in the board of truſtees, occaſioned by death, reſignation, or otherwiſe; of electing and appointing the principal, and profeſſors of the ſaid college; of agreeing with them for their ſalaries and ſtipends, and removing them for miſconduct, or breach of the laws of the inſtitution; of appointing committees of their own body to carry into execution, all and every the reſolutions of the board; of appointing a treaſurer, ſecretary, ſtewards, managers, and other neceſſary and cuſtomary officers, for the taking care of the eſtate, and managing the concerns of the corporation: and a majority of the board or quorum, of the ſaid truſtees at any annual or adjourned meeting, after notice given as aforeſaid, ſhall determine all matters and things, (although the ſame be not herein particularly mentioned) which ſhall occaſionally ariſe, and be incidentally neceſſary to be determined and tranſacted by the ſaid truſtees: *Provided always*, That no ordinances ſhall be of force, which ſhall be repugnant

to the laws of the United States, or of this ſtate.

Style of the maſters.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That the head or chief maſter of the college, ſhall be called and ſtyled the principal of the college, and the maſters thereof, ſhall be called and ſtyled profeſſors; but neither principal nor profeſſors, while they remain ſuch, ſhall ever be capable of holding the office of truſtee: The principal and profeſſors, or a majority of them ſhall be called and ſtyled the faculty of the college, which faculty ſhall have the power of enforcing the rules and regulations, adopted by the truſtees for the government of the pupils, by rewarding or cenſuring them, and finally by ſuſpending ſuch of them, as after repeated admonitions, ſhall continue refractory, until the determination of a quorum of truſtees can be had; and of granting and confirming, by and with the approbation and conſent of a board of the truſtees ſignified by their mandamus, ſuch degrees in the liberal arts and ſciences, to ſuch pupils of the college, or others, as by their proficiency in learning or meritorious conduct, they ſhall think entitled to them, as are uſually granted and conferred in other colleges, in the United States of America; and to grant to ſuch graduates, diplomas or certificates, under their common ſeal, and ſigned by the faculty: All perſons of every religious denomination, ſhall be capable of being elected truſtees, nor ſhall any perſon either as principal, profeſſor or pupil, be refuſed admittance, for his conſcientious perſuaſion in matters of religion: Provided he ſhall demean himſelf, in a ſober, orderly manner,

Powers of the faculty defined.

Who may be elected truſtees.

ner, and conform to the rules and regulations of the college.

Sec. 5. *And be it further enacted by the authority aforesaid*, That whenever a vacancy shall happen, occasioned by disqualification, resignation or decease, of any clergyman, hereby appointed a trustee, such vacancy shall be filled by the choice of another clergyman of any christian denomination, and so as often as such vacancy shall happen, whereby the number of eight clergymen hereby appointed trustees, shall never be lessened nor augmented; nor shall any misnomer of the said corporation, defeat or annul, any gift, grant, devise or bequest, to, or for the use of the said corporation: *Provided*, The intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest, was intended to pass to or from the said corporation; nor shall any disuser or nonuser, of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof: and the constitution of the said college, herein and hereby declared and established, shall be and remain the inviolable constitution of the said college forever, and the same shall not be altered, or alterable, by any ordinance or law of the said trustees, nor in any other manner than by an act of the legislature of the commonwealth.

Number of clergymen appointed trustees, to be kept up.

Gifts, devises, &c. to be construed favourably.

Constitution not to be altered.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the said trustees shall cause to be made for their use, one common seal, with such devices and inscriptions thereon, as they shall think proper, under and by which, all deeds,

Corporate seal and powers, and quorum to do business.

deeds, diplomas, certificates and acts of the ſaid corporation, ſhall paſs and be authenticated and the ſame ſeal, at their pleaſure from time to time, change and alter: The buſineſs of the ſaid corporation, ſhall and may be tranſacted and performed, by the majority of a meeting, of at leaſt eleven of the truſtees, appointed by this act, and their ſucceſſors duly elected, notified, called and convened as aforeſaid, and not otherwiſe: If any truſtee ſhall accept, or take any charge or office under the ſaid truſtees other than that of treaſurer or ſecretary, his place ſhall thereby be vacated, and the truſtees at their next meeting, ſhall proceed to ſupply ſuch vacancy by election.

The property of Canonſburg academy veſted in truſtees of the College.

Sec. 7. *And be it further enacted by the authority aforeſaid*, That from and after the paſſing of this act, all the property belonging to Canonſburgh academy, of whatſoever nature the ſame may be, whether real, perſonal or mixed, which hath been given, conveyed, deviſed or bequeathed, to the truſtees, for the benefit and uſe of that inſtitution, ſhall be veſted, and hereby is veſted, in the truſtees of the college aforeſaid, and their ſucceſſors in office: Subject, always nevertheleſs, To the uſes, truſts, ends and purpoſes, for which the ſame property was originally given, conveyed, deviſed or bequeathed.

Manner of qualifying the truſtees.

Sec. 8. *And be it further enacted by the authority aforeſaid*, That the truſtees herein before appointed, and their ſucceſſors, the principal and profeſſors, and every of them, now appointed or hereafter to be appointed, in the manner and form herein before directed and required, before they enter upon the duties of their offices, ſhall before ſome one judge of the court

court of common pleas, or before ſome juſtice of the peace of the county of Waſhington, take and ſubſcribe the oath or affirmation as directed by the eighth article of the conſtitution of this commonwealth, and the act of congreſs of the United States, paſſed the firſt day of June one thouſand ſeven hundred and eighty-nine; and the truſtees are hereby enjoined and required to provide and keep a book, wherein their ſecretary ſhall well and truly record the certificates of the aforeſaid qualifications.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the fifteenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER V.

An ACT *to erect Penn townſhip in the county of Northampton, into a new election diſtrict.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the townſhip of Penn, in the county of Northampton, ſhall be a ſeparate election diſtrict, to be called Penn diſtrict; and the electors thereof ſhall hold their

New election diſtrict erected in Northampton county.

their general elections at the houſe now occupied by George Simon Wehr, in ſaid townſhip.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the fifteenth, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER VI.

An ACT *to erect a new election diſtrict in the county of Somerſet.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the townſhip of Southampton, in the county of Somerſet, ſhall be an election diſtrict; and the electors thereof, ſhall hold their general elections, at the houſe now occupied by Andrew Emrick, in ſaid townſhip of Southampton.

An election diſtrict eſtabliſhed in Somerſet county.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the fifteenth, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP

CHAPTER VII.

AN ACT *to erect Half-moon and Patton townſhips, in the county of Centre, into a new election diſtrict.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the townſhips of Half-moon and Patton, in the county of Centre, ſhall be a ſeparate election diſtrict; and the electors thereof ſhall hold their general elections at the houſe now occupied by Abraham Elder, in Half-moon townſhip.

A new election diſtrict erected in Centre county.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the nineteenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER VIII.

AN ACT *for erecting two election diſtricts in the county of Montgomery.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania in General Aſſembly*

sembly met, and it is hereby enacted by the au
The seventh election district established in Montgomery county.
thority of the same, That the townships of L
merick, Skippack and Perkiomen, and that pa
of Providence township, which lies west
Skippack and Perkiomen creeks, shall be a s
parate election district, to be called the sevent
district; and the electors thereof, shall hol
their general elections at the house now occ
pied by David Dewees, in the township of Pr
vidence aforesaid.

The eighth election district established
Sec. 2. *And be it further enacted by the au*
thority aforesaid, That the township of Uppe
Hanover, Marlborough, Upper-Salford an
Franconia, in the county aforesaid, shall be
separate election district, to be called the eight
district; and the electors thereof shall hold the
general elections at the house now occupied b
John Scheid, in Summeny town, in Marlb
rough township aforesaid.

ISAAC WEAVER, *junior*, *Speaker*
of the House of Representative

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—January the nineteenth, 1802:
THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER IX.

A SUPPLEMENT *to the act, entitled "An*
Act to erect the town of Sunbury, in the coun
of Northumberland, into a borough."

Section 1. BE *it enacted by the Senate a*
House of Representatives of
Commonwealth of Pennsylvania, in General
sem

ſembly met, and it is hereby enacted by the authority of the ſame, That from and after the paſſing of this act, ſimilar rights, privileges and immunities, as are now exerciſed, holden and enjoyed, by the burgeſſes, freeholders and inhabitants of the borough of Reading, in and by the ninth ſection of the act, eſtabliſhing the ſaid borough, ſhall and may from henceforth, be exerciſed, holden and enjoyed, by the burgeſſes, freeholders and inhabitants of the borough of Sunbury in the county of Northumberland; and the yearly fairs in the ſaid borough of Sunbury, ſhall commence on the Tueſday following the fairs holden in the borough of Reading.

An additional privilege granted to the inhabitants of the borough of Sunbury.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER X.

A SUPPLEMENT *to the act, entitled "An Act "to erect part of Waſhington county, into a "ſeparate county."*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſ-*

Alteration in the line between the counties of Waſhington and Greene.

ſembly met, and it is hereby enacted by the authority of the ſame, That from and after the paſſing of this act, the following alteration ſhall take place, in the line between the counties of Waſhington and Greene, viz. beginning at the preſent line, on the ridge that divides the waters of Ten-mile and Whelen creeks, near Jacob Bobbetts; thence a ſtrait line, to the head waters of Hunter's fork, of Whelen creek; and thence down the ſame, to the mouth thereof, where it meets the preſent county line.

So much of the county of Greene as is re-united to Waſhington county, to what townſhips annexed.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That from and after the paſſing of this act, ſo much of the county of Greene, which by this act, is re-united to the county of Waſhington, as lies weſt of the road, called Ryerſon's road is hereby annexed to Findley townſhip; and ſhall, hereafter, be a part of the diſtrict, called Stephenſon's election diſtrict; and that part thereof, which lies eaſt of ſaid road, is hereby annexed to Morris townſhip, and ſhall hereafter be a part of the Waſhington election diſtrict, any thing, in any former law, to the contrary, in any wiſe notwithſtanding.

Commiſſioners to be appointed to run the new boundary line.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That the Governor is hereby authoriſed and required, to appoint two commiſſioners, to run and mark the aforeſaid line, according to the directions of this act, who ſhall make report of their proceedings, under hand and ſeal to the prothonotaries of the ſaid counties of Waſhington and Greene, on or before the firſt day of June next, who ſhall file the ſame, in their reſpective offices; and the expence of running, and marking the

ſaid

ſaid alterations, in the aforeſaid line, ſhall be paid, one half out of the treaſury of the county of Waſhington, and the other half out of the Treaſury of the county of Greene.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XI.

An ACT *limiting the operation of Caveats entered in the Land-office of this Commonwealth, againſt the iſſuing of Patents.*

WHEREAS, the proviſion heretofore made by law, for allowing caveats to be entered in the land-office of this commonwealth, againſt the iſſuing of patents, has in many inſtances, produced great inconvenience and embarraſſment, to warrantees and purchaſers, as well as delay in completing titles to lands, by ſuffering the ſaid caveats to remain as a bar, for an indefinite length of time, without any proceſs had thereon: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Penn-*

Limitation of the operation of caveats now on record.

Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame, That no caveat or note on ſurvey, now on record, or otherwiſe, either in the office of the ſecretary, or in the office, of the ſurveyor-general of the land-office, for this commonwealth, ſhall continue to bar the iſſuing of a patent or patents, to thoſe, or their legal repreſentatives, againſt whom the ſame has been entered, during a longer term than two years, from and after the paſſing of this act; unleſs the perſon or perſons, who has or have entered ſuch caveat or note, or his, her or their, legal repreſentative or repreſentatives, or others, holding or claiming the eſtate, ſhall within the ſaid term of two years, take out a citation and proſecute the ſame to effect.

Limitation of the operation of caveats hereafter to be entered.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That no caveat, note on ſurvey, or writing in the nature of a caveat, hereafter to be entered in either of the offices of the land-office, of this commonwealth, ſhall continue to bar the iſſuing of a patent, to the perſon or perſons, or his, her or their, legal repreſentative or repreſentatives, againſt whom ſuch caveat may be entered, during a longer period, than two years from the entry of ſuch caveat, in the land-office aforeſaid; unleſs the party or parties, intereſted in the land, or his, her or their, agent or agents, aſſignee or aſſignees, ſhall within the term aforeſaid, take out a citation thereon, in order to bring ſuch diſpute to a deciſion, and proſecute the ſame to effect.

Sec. 3. *And be it further enacted by the authority aforeſaid,* That it ſhall be the duty of the

the ſecretary of the land-office, to publiſh an abſtract of this act, in one or more of the public newſpapers of Philadelphia, Lancaſter, Harriſburgh and Pittſburgh, for the period of ſix weeks, from and after the paſſing of this act. An abſtract of this act to be publiſhed, &c.

ISAAC WEAVER, *junior*, *Speaker*,
of the Houſe of Repreſentatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—January the twenty-ſecond, 1802:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennſylvania.

CHAPTER XII.

An ACT *to repeal part of an act, entitled "An Act to prevent the deſtruction of Rock-fiſh and Oyſters."*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That ſo much of the act, entitled "An Act to prevent the deſtruction of "rock-fiſh and oyſters," paſſed the ninth day of March in the year of our Lord, one thouſand ſeven hundred and ſeventy-one; as relates to the offering for ſale any rock-fiſh under a certain Part of a former law repealed.

certain deſcribed ſize therein mentioned, b
and the ſame is hereby repealed.

ISAAC WEAVER, *junior*, *Speaker*
of the Houſe of Repreſentative

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—January the twenty-ſixth, 1802:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennſylvania.

CHAPTER XIII.

An ACT *to extend the time for patenting lands and for other purpoſes.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That the act, entitled "An Act to extend the time for patenting lands," paſſed the twenty-firſt day of March, Anno Domini, one thouſand ſeven hundred and ninety-two, and all matters and things therein contained; ſhall be, and the ſame are hereby further extended to the firſt day of January in the year of our Lord, one thouſand eight hundred and four, and from thence to the end of the next ſeſſion of the general aſſembly.

Time for patenting lands extended to the 1ſt January 1804.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the time limited by the tenth

tenth ſection of the act, entitled "An Act for "the ſale of the vacant lands within this com- "monwealth," paſſed the third day of April, one thouſand ſeven hundred and ninety-two, for actual ſettlers under the ſaid act to make application for warrants; be, and the ſame is hereby extended to the third day of April, Anno Domini, one thouſand eight hundred and five, and from thence to the end of the next ſeſſion of the general aſſembly, and no longer.

Time within which application is to be made for warrants extended to the 3d of April 1805.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-ſixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XIV.

An ACT *to alter and amend the Health-laws of this State, ſo far as reſpects veſſels, goods and paſſengers coming from any port or place, in the State of Delaware.*

WHEREAS, the proviſo contained in the fourth ſection of an act, of the general aſſembly of this commonwealth, paſſed the nineteenth day of February, in the year of our Lord one thouſand eight hundred and one, entitled "An Act to incorporate a company "for the purpoſe of cutting and making a canal "between

" between the river Delaware and the Chesa
" peake bay, and to authorise the clearing o
" obstructions in the river Susquehanna, dow
" to the Maryland line, and for other purpose
" therein mentioned;" has been deemed b
some of the citizens of the state of Delaware
susceptible of a construction injurious to thei
interests, and it is the wish of the legislatur
of this commonwealth to remove every reason
able cause of complaint on the part of the
citizens of a sister state: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the proviso contained in the fourth section of the act, entitled " An Act, to incorporate a " company for the purpose of cutting and mak- " ing a canal, between the river Delaware and " the Chesapeake bay, and to authorise the " clearing of obstructions in the river Susque- " hanna, down to the Maryland line, and for " other purposes therein mentioned;" and every matter and thing, therein contained, be, and the same is hereby repealed: And that in future, such vessels and crews, goods and passengers, with their beds, bedding and apparel, as shall appear by the certificate of the board of health, or health-officer, or (where there is no board of health, or health-officer) by that of any regular physician, and three justices of the peace, at any port or district in the state of Delaware, (reciting the quantity and quality, and if any, the marks and numbers of such goods, beds, bedding and apparel, and the names of the crew and passengers) to have been landed at least fifteen days, within the said state or district, and the said crew and passengers to

Part of former law repealed; and future regulations as to vessels stopping in the state of Delaware.

to be in a healthy ſtate; and the ſaid goods, beds, bedding and apparel, to be well aired, and purified, and to the beſt of their knowledge and belief, to be free from contagion and infection; ſhall upon due examination of ſuch certificate, by the reſident phyſician or other proper officer, at the lazaretto of the port of Philadelphia, be permitted to proceed to Philadelphia, or the port or place of their deſtination, in the ſame manner as if the ſaid landing, airing and purification, had taken place, at the ſaid lazaretto: *Provided*, That nothing herein before contained, ſhall prevent the proper officers at the lazaretto, aforeſaid, in caſes where after any bill of health as aforeſaid, has been granted, at any port or place, in the ſtate of Delaware, any infectious or contagious diſeaſe, ſhall exiſt or be ſuſpected to exiſt, on board any ſuch veſſel, from directing ſuch further quarantine or detention, cleanſing, airing and purification, as in the judgment of the ſaid officers and board of health, ſhall be requiſite and neceſſary for the preſervation of the people of the city and port of Philadelphia, from peſtilential and contagious diſeaſes.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-ſeventh, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XV.

An ACT *for the relief of Peter Williams.*

WHEREAS, it appears by the petition of Peter Williams, formerly a drummer in the third Pennſylvania regiment, that he has loſt a certificate, number four hundred and ſeventy-one, for the ſum of eighty-eight pounds one ſhilling and nine pence, granted him for the depreciation of his pay, and on which one year's intereſt hath been paid: And whereas, it alſo appears, by information from the comptroller-general, that the ſaid certificate hath not been redeemed by this commonwealth: Therefore,

The Governor to draw his warrant in favour of Peter Williams for £. 88 : 1 : 9 with intereſt.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the Governor be, and he is hereby authoriſed to draw his warrant upon the ſtate-treaſurer, in favor of Peter Williams, for the ſum of eighty-eight pounds one ſhilling and nine pence, together with lawful intereſt on the ſaid ſum, from the firſt day of July, one thouſand ſeven hundred and eighty-four, until the firſt day of Auguſt, one thouſand ſeven hundred and ninety-two.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP.

CHAPTER XVI.

An ACT *further to encourage the killing of Wolves.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, any perſon or perſons, who ſhall kill any wolf or wolves, within the bounds of any county within this commonwealth, and who ſhall produce the head or heads thereof, before any juſtice of the peace in and for any county as aforeſaid, it ſhall be the duty of ſuch juſtice, to examine ſuch perſon or perſons, on oath or affirmation, touching the time when, and place where ſuch wolf or wolves was or were caught and killed; and if the place of ſuch catching and killing ſhall be found to be within the bounds of the county in which ſuch juſtice has juriſdiction, and if the wolf be full grown, it then ſhall be the duty of ſuch juſtice, after deſtroying ſuch head or heads, to give ſuch perſon or perſons a certificate thereof, and to ſign an order for eight dollars, on the treaſurer of the county in which it ſhall have appeared ſuch wolf or wolves was or were caught and killed, for each and every head produced and deſtroyed as before mentioned; and for every wolf-puppy that ſhall be produced and deſtroyed as before mentioned, he ſhall ſign an order on the treaſurer aforeſaid, for the ſum of two dollars fifty cents: and it ſhall be the duty of ſuch treaſurer, and he is hereby directed to pay the amount of the ſaid order, out of the money in the treaſury appropriated for county purpoſes.

The proof neceſſary to entitle, and the reward given for killing wolves.

The fund deſignated out of which it is to be paid.

Sec.

Repeal of so much of former law as is hereby altered.

Sec. 2. *And be it further enacted by the authority aforesaid*, That so much of the act, entitled "An Act more effectually to encourage the killing of wolves," passed the thirteenth of April, one thousand seven hundred and eighty-two, as is hereby altered or amended, is hereby repealed.

Limitation of the act.

Sec. 3. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force for three years, and from thence to the end of the next session of the general assembly.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the second, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XVII.

An ACT *to authorise the sale of the estate of Catharine Erringer, a lunatic, and for other purposes therein mentioned.*

WHEREAS, it appears by an inquisition taken at the alms-house, in the county of Philadelphia, on the twenty-first day of September, one thousand seven hundred and ninety-five, by virtue of a commission of lunacy, under

der the ſeal of the court of common pleas, for the ſaid county, that Catharine Erringer was, at the time of taking ſaid inquiſition, a lunatic: And whereas, it has been repreſented to the legiſlature, by the petition of Frederick Erringer, of the city of Philadelphia, and of the guardians of the poor in the ſaid city, that the ſaid Catharine Erringer, ſiſter of the ſaid Frederick, for ſeveral years laſt paſt, hath been, and ſtill is, a charge to the ſaid city and liberties; and that ſhe is ſeized in fee, of one undivided ſixth part of a certain three ſtory brick houſe, and lot or piece of ground thereto belonging, ſituate on the eaſt ſide of Delaware Third-ſtreet, continued a little to the northward of Callowhill-ſtreet, in the Northern-Liberties of the ſaid city; late the eſtate of her father, Jacob Erringer, deceaſed, which property the petitioners conceive ought to be applied to her ſupport; but inaſmuch as the ſaid Catharine is a lunatic, and incapable of diſpoſing of the ſame, the ſaid petitioners have prayed that the legiſlature would be pleaſed to authoriſe the ſale of the ſhare of the ſaid Catharine, in the premiſes, and that the monies ariſing therefrom, may be applied towards her ſupport: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That Peter Browne, of the townſhip of the Northern-Liberties, in the county of Philadelphia, eſquire, be, and he is hereby authoriſed and empowered to ſell and convey the ſhare and eſtate of the ſaid Catharine Erringer, of and in the ſaid houſe and lot or piece of ground, to ſuch perſon or perſons, for ſuch price or prices, and on ſuch terms and conditions as he may deem moſt advantageous

Peter Browne empowered to ſell the eſtate of C. Erringer.

advantageous to the parties concerned; and tha the conveyance to be made by him, ſhall be a good and effectual in law, to all intents an purpoſes, as if the ſaid Catharine Erringer wa of ſound mind, and a party to the ſaid con veyance; but ſhall have no greater or othe force or effect whatſoever.

Purchaſe money to be applied to her ſupport.

Sec. 2. *And be it further enacted by the au thority aforeſaid*, That the monies ariſing fro ſuch ſale, ſhall be applied to the maintenanc and ſupport of the ſaid Catharine Erringer, and that the ſame ſhall be duly paid over to the guardians of the poor, in the city of Philadelphia, for the purpoſes aforeſaid.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XVIII.

An ACT *to direct the manner, time and places, of holding elections for Electors of Preſident and Vice-Preſident of the United States.*

WHEREAS, the conſtitution of the United States directs, That for the purpoſe of chooſing a preſident and vice-preſident of the United

United States, "Each ſtate ſhall appoint in "ſuch manner, as the legiſlature thereof may "direct, a number of electors, equal to the "whole number of ſenators and repreſenta-"tives to which the ſtate may be entitled in "the congreſs:" Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That an election ſhall be held in the city of Philadelphia, and the ſeveral counties of this commonwealth, by the citizens qualified to vote for members of the general aſſembly, at the ſame places at which the ſaid members ſhall have been voted for at the laſt preceding election, on the fifth Friday, preceding the firſt Wedneſday in December, which will be in the year one thouſand eight hundred and four, and on the fifth Friday preceding the firſt Wedneſday in December in every fourth year thereafter, for the purpoſe of electing electors of a preſident and vice-preſident of the United States; of which elections due notice ſhall be given by the ſheriffs of the reſpective counties, and the ſeveral judges, inſpectors and clerks, who ſhall have attended at the laſt election for members of the general aſſembly, ſhall attend and perform at the ſaid election of electors, the like duties, and be ſubject to the like penalties for neglect or miſconduct, as they are or ſhall be liable to, at the election of members of the general aſſembly.

Places where, and time when, election for preſident and vice-preſident of the U. S. to be held and by whom.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That at every ſuch election, every citizen qualified as aforeſaid, ſhall be entitled to vote by delivering to the proper officer, a written

Who may vote and manner of voting.

a written or printed ticket or ballot, containing the names of a number of perſons, equal to the whole number of ſenators and repreſentatives, to which this ſtate may be entitled in congreſs of the United States; and the ſame proceeding ſhall be had with the ſaid tickets, as is or ſhall be by law directed, at the election of members of the general aſſembly, and as ſoon as all the votes ſhall have been read off and counted, the judges of each diſtrict ſhall make out a certificate ſigned by the ſaid judges or a majority of them, of the number of votes which have been given for each candidate, which numbers ſhall be expreſſed in words at length, and one of the ſaid judges ſhall take charge of ſaid certificate, and on the Monday next after ſaid election ſhall have been holden, produce the ſame in a meeting of one judge from each diſtrict within the ſaid county, at the court-houſe, and for the city and county of Philadelphia at the ſtate-houſe, for which ſervice each judge ſhall be allowed ten cents for every mile he ſhall have travelled in performing the ſame, and the judges of the ſeveral diſtricts of the ſaid county, ſo met, ſhall add together the number of votes which ſhall appear to have been given for each candidate, and make out triplicate returns on paper or parchment, ſigned by the ſaid judges, or a majority of them, containing the names of the perſons voted for, and the number of votes given for each expreſſed in words at length; two of which returns ſhall be delivered forthwith, by one of the ſaid judges, to the prothonotary of the proper county, who ſhall file one of them in his office, and within two days after he ſhall have received the ſaid returns, depoſit one of them in the neareſt poſt-office, to be forwarded to the office of the ſecretary of the commonwealth, to be there filed;

How returns of the election are to be made.

filed; and the third return shall forthwith be delivered by one of the judges, to the sheriff of the proper county, endorsing thereon, the time of delivering the same, who shall by himself or his deputy deliver the same to the Governor within fourteen days after the election shall have been holden; and the said prothonotary and sheriff, shall receive for transmitting, depositing and delivering, the said returns to the post-office and the Governor as aforesaid, the same compensation as is allowed for similar services, by the act, entitled "An Act to regulate the general elections within this commonwealth," passed the fifteenth day of February, one thousand seven hundred and ninety-nine; and the prothonotaries and sheriffs respectively, shall be subject to like penalties for neglect or misconduct, as are prescribed in similar cases, by the said recited act, and the Governor shall enumerate and ascertain the number of votes given for each and every person so as aforesaid voted for, and shall thereupon declare by proclamation, the names of the persons duly elected and chosen, and shall cause a notification of their election to be delivered to the persons so chosen, on or before the last Wednesday in the month of November, next after such election.

Compensation to prothonotary & sheriff for making return.

And penalty for neglect or misconduct.

Persons elected to be proclaimed and notified by the Governor.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the electors who shall be chosen as aforesaid, shall at twelve o'clock on the day, which is or may be directed by the congress of the United States, meet at the seat of government of this state, and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

Electors when and where to perform their duties.

exerciſing any office of profit or truſt under the United States, ſhall at the ſame time hold or exerciſe any office in this ſtate, which the legiſlature thereof ſhall declare incompatible with offices or appointments under the United States: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That every perſon who ſhall hold any office or appointment of profit or truſt, under the government of the United States, whether a commiſſioned officer or otherwiſe, a ſubordinate officer or agent, who is or ſhall be employed under the legiſlative, executive or judiciary departments of the United States, and alſo every member of congreſs, is hereby declared to be incapable of holding or exerciſing, at the ſame time, the office or appointment of juſtice of the peace, mayor, recorder, burgeſs or alderman of any city, corporate town or borough, reſident-phyſician of the lazaretto, conſtable, judge, inſpector or clerk of election, under this commonwealth.

Perſons holding an office of profit or truſt under the government of the U. S. diſqualified for holding certain offices under this commonwealth.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That the holding of any of the aforeſaid offices or appointments under this ſtate, is hereby declared to be incompatible with any office or appointment under the United States; and every ſuch commiſſion, office or appointment, ſo holden under the government of this ſtate, contrary to the true intent and meaning of this act, ſhall be, and the ſame is hereby declared to be null and void.

The holding any ſuch offices under this ſtate declared to be incompatible with any office, &c. under the United States.

Sec. 3.

held, conducted and concluded, as is provided by this act, in the case of an election held at the ordinary period prescribed by the constitution and laws of the United States, for holding the same.

Sec. 6. *And be it further enacted by the authority aforesaid*, That each of the said electors shall receive three dollars daily wages, when travelling to, remaining at, and returning from the place of meeting aforesaid, the same to be paid by the treasurer of the state, on a warrant or warrants signed by the president of the meeting of the said electors, if any they shall choose, or by a majority of such electors, exclusive of persons in whose favor the warrant is drawn. Compensation of the electors.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the second, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XIX.

An ACT *declaring the holding of offices or appointments under this State, incompatible with the holding or exercising offices or appointments under the United States.*

WHEREAS, the eighth section of the second article of the constitution of this commonwealth, provides that no person holding or exercising

" the holding or exercising offices or appoint
" ments under the United States." I have re
conſidered and deliberated moſt ſeriouſly its oper
ation, and do not approve of it. I have directed
it to be returned to the houſe of repreſentatives
in which it originated, together with my objec
tions, which are as follow, to wit:

Firſt—Since the preſent conſtitution of Penn
ſylvania was eſtabliſhed, on the ſecond day o
September, 1790, until this period, no com
plaint or application has been made, by petition
or otherwiſe, to any branch of our government,
ſuggeſting that any officer under the governmen
of the United States, or member of congreſs,
held an office in this ſtate, that was ſuppoſed to
have a tendency to effect the ſovereignty or free
dom thereof; from which I conclude that the
ſeparation made by the conſtitution between the
government of the United States and of this
ſtate, with reſpect to the adminiſtration of
their reſpective powers, has been carried far
enough, and is perfectly ſatisfactory to the
people.

Second—I cannot conceive a reaſon for intro
ducing ſuch an act at this time, when the good
people of this commonwealth, can entertain no
apprehenſions, of a wiſh of the preſent provi
dential and moſt fortunate repreſentation in the
executive and legiſlative departments of our
national government, to impair the conſtitutional
ſovereignty of the individual ſtates.

It appears to me to intimate an unreaſonable
jealouſy and diſtruſt, not only of the virtuous
and great chief-magiſtrate of the union, but alſo
of the chief-magiſtrate of Pennſylvania; both
choſen by the people themſelves, and known to
be

be unequivocally diſpoſed to ſecure and promote their happineſs.

Third—Becauſe a few months ago I perſuaded a gentleman, not leſs diſtinguiſhed for probity than talents, to accept the commiſſion of recorder of the city of Philadelphia, *during his good behaviour*, though then attorney of the United States, for the eaſtern diſtrict of Pennſylvania, in the holding of which, at the ſame time, I am not happy enough to diſcover any colliſion or incompatibility; and therefore it muſt appear very extraordinary indeed, in me, to co-operate in an act that declares his commiſſion ſhall not only be vacated, but, if he exerciſes the office for a time, he ſhall be conſidered as a criminal; when there has not been, nor can be, even the ſlighteſt ſuggeſtion of miſbehaviour or incapacity.

Fourth—There are at preſent, in my recollection, but two gentlemen of this ſtate, who have been appointed by me, that can be effected by this act, one has been mentioned; another, a member of congreſs, was lately appointed reſident-phyſician at the lazaretto. What poſſible evil can ariſe to Pennſylvania from theſe appointments, I do not comprehend; eſpecially when it is conſidered that theſe gentlemen have been diſtinguiſhed for patriotiſm, talents, and attachment to our revolutionary and republican principles. It will be very difficult to find a gentleman of the law qualified for the office of recorder of the city of Philadelphia, that has not been admitted to practice in ſome of the courts of the United States; and all ſuch are excluded by this act. Nor can I perceive the danger to be apprehended for the liberties of the ſtate, from the ſame perſon officiating as conſtable,

conſtable, &c. under both branches of our government.

Fifth—I conceive the act to be not only unneceſſary and inexpedient, but in the precedent alarming to all perſons holding offices during good behaviour. The tenure of ſuch commiſſions ought not to depend on every gale that blows. The legiſlature cannot vacate or impair a contract ſolemnly made between the commonwealth and an individual; having even the power, will not ſanction it. Beſides, as at preſent adviſed, I very much doubt its conſtitutionality. The office may be aboliſhed in many caſes, but the officer cannot be removed without being convicted of a miſdemeanor in office, unleſs where otherwiſe ſpecially provided in our ſtate conſtitution; and I cannot, from a confidence in the legal knowledge, integrity and fortitude of my former brethren in the ſupreme court, riſk my character in a judicial deciſion on this queſtion, when I do not foreſee any advantage to be derived to my country from a poſſibility of ſucceſs. What conſcience warns me not to do, I muſt avoid; however anxious to gratify a legiſlature, by me, ſo much reſpected and eſteemed.

THOMAS M'KEAN.

Lancaſter, February 3, 1802.

Ordered to lie on the table,

Whereupon, On motion of Mr. Mitchell, ſeconded by Mr. Conrad, the houſe, in conformity to the mode preſcribed (in ſuch caſes) by the twenty-ſecond ſection of the firſt article of the conſtitution of this commonwealth, proceeded to the reconſideration of the ſaid bill, returned by the Governor; which was read, and

On

On motion of Mr. F. Smith, ſeconded by Mr. Roſe, Ordered, That the further conſideration thereof, be poſtponed until Wedneſday next.

Wedneſday, February 10, 1802.

In conformity to the twenty-ſecond ſection of the firſt article of the conſtitution, relative to bills returned by the governor (without having received his approbation or ſignature, and with his objections to the ſame) the houſe again reſumed the conſideration of the bill, entitled "An "Act declaring the holding of offices or ap- "pointments under this ſtate, incompatible "with the holding or exerciſing offices or ap- "pointments under the United States;" and

On the queſtion,—"*Shall this bill paſs?*"

Agreeably to the mode preſcribed by ſaid conſtitution, the votes were taken by yeas and nays, when it appeared the yeas were ſeventy-ſix, nays four.

So there being a conſtitutional majority, it was determined in the affirmative, and

Ordered, That ſaid bill paſs, and that it be tranſmitted to the ſenate, with the Governor's objections to the ſame, as directed by the twenty-ſecond ſection of the firſt article of the conſtitution of this commonwealth aforeſaid.

Lancaſter, February 10, 1802.

Extract from the Journal,
MATTHEW HUSTON, *C. H. R.*

IN SENATE.

Thurſday, February 11, 1802.

Mr. Huſton, clerk of the houſe of repreſentatives (agreeably to the twenty-ſecond ſection of the firſt article of the conſtitution of this commonwealth, in the caſe of bills returned by the Governor without having received his approbation and ſignature) preſented the bill, entitled "An Act declaring the holding of "offices or appointments under this ſtate, incom- "patible with the holding or exerciſing offices "or appointments under the United States," together with the Governor's objections to the ſame; and informed the ſenate that the houſe of repreſentatives had re-conſidered the ſaid bill, and by a conſtitutional majority, paſſed the ſame; and the ſaid bill, and the Governor's objections were ſeverally read, Whereupon,

It was moved by Mr. Barton, ſeconded by Mr. Gurney, and agreed,

That the further conſideration thereof at this time be poſtponed, and that the ſame be the order of the day for to-morrow.

Friday, February 12, 1802.

According to the order of the day, the ſenate proceeded to the further conſideration of the bill, entitled "An Act declaring the hold- "ing of offices or appointments under this ſtate, "incompatible with the holding or exerciſing of- "fices or appointments under the United States," together with the Governor's objections to the ſame.

After

After debate,

The queſtion,—" *Shall this bill paſs?*" being put, agreeably to the twenty-ſecond ſection of the firſt article of the conſtitution, the yeas and nays were taken; and there appeared to be eighteen yeas and ſeven nays.

So that the ſaid bill was paſſed by a conſtitutional majority, Whereupon,

Ordered, That the ſaid bill be returned to the houſe of repreſentatives, with information that the ſenate hath paſſed the ſame by a conſtitutional majority.

Extract from the Journal,
GEORGE BRYAN, *C. S.*

CHAPTER XX.

An ACT *for the relief of William Hill of the State of Maſſachuſetts, and Eſther his wife, and to confirm in Burton Wallace and his heirs for ever, the title to a certain meſſuage and lot of ground therein mentioned.*

WHEREAS, William Hill now reſident in the ſtate of Maſſachuſetts, and Eſther his wife, have, by their petition, repreſented that at the time of the intermarriage of the ſaid petitioners, the ſaid Eſther was under the laſt will of her late father the reverend Jacob Duché, deceaſed, ſeized in fee of a moiety of a certain meſſuage and lot of ground ſituated in Cheſnut-ſtreet, in the city of Philadelphia, and poſſeſſed of a moiety of certain perſonal eſtate, conſiſting

conſiſting of forty-ſix ſhares in the capital ſtock of the preſident, directors and company of the bank of Pennſylvania, one ſhare in the capital ſtock of the preſident, directors and company of the bank of North-America, and a mortgage executed by John Bernard Gilpin to her ſaid father, for the principal ſum of four hundred and ſixty-one pounds one ſhilling and four-pence, which ſaid real and perſonal eſtate, by a certain indenture, tripartite, made the ſeventh day of Auguſt, ſeventeen hundred and ninety-eight, between the ſaid Eſther, of the firſt part, the reverend William White, doctor of divinity, and biſhop of the proteſtant epiſcopal church of Pennſylvania, and Miers Fiſher, of the city of Philadelphia, gentleman, of the ſecond part, and the ſaid William Hill, of the third part, were conveyed to the ſaid William White and Miers Fiſher, their heirs, executors and adminiſtrators, in truſt; nevertheleſs, to permit the ſaid petitioners, parties thereto, to receive the profits of the ſaid eſtate, real and perſonal, during their marriage, and further to convey and aſſure the ſame to ſuch perſon or perſons, for ſuch eſtates and intereſts, and in ſuch ſhares and proportions as the ſaid Eſther, whether covert or ſole, ſhould by any writing in the nature of her laſt will and teſtament, order, direct and appoint, and for want of ſuch appointment, to all and every one or more child or children of the ſaid Eſther, which ſhould be living at the time of her death, in equal ſhares, if more than one, and for want of a child then living, to the ſaid William Hill, his heirs, executors and adminiſtrators, to his own uſe for ever, if he be then living; and if he ſhould be then dead, then to the right heirs and legal repreſentatives of the ſaid Eſther; that the ſaid petitioners, having ſince the execution of the ſaid indenture, removed

moved from the ſtate of Pennſylvania, and holding merely a moiety of the ſaid real and perſonal eſtate, the other moiety being the property of Sophia, the wife of John Henry, now in the ſtate of Maſſachuſetts, and only ſiſter of the ſaid Eſther, who with her ſaid huſband, had determined to diſpoſe of their intereſt in the ſame, have found the terms of the ſettlement, and the nature of the truſt, raiſed and eſtabliſhed by the ſaid indenture, extremely burthenſome and inconvenient, inaſmuch as they are thereby prevented from making that beneficial application of their property, which the place of their reſidence and other circumſtances render adviſable, the ſaid indenture making no proviſion for any declaration of uſes thereupon; but by the laſt will and teſtament of the ſaid Eſther; that the perſons jointly intereſted with the ſaid petitioners, in the meſſuage and lot of ground aforeſaid, having determined to diſpoſe of their ſhare in the ſame, made it neceſſary to the ſaid petitioners, to prevent a general ſacrifice, to join in the ſale, and they did accordingly, by deed of bargain and ſale, bearing date the eighth day of Auguſt, in the year of our Lord eighteen hundred and one, for a valuable conſideration, which has been fully paid, convey their moiety in the ſaid meſſuage and lot of ground, to Burton Wallace, of the city of Philadelphia, gentleman, and his heirs, in fee-ſimple; and the ſaid petitioners have prayed, that an act may be paſſed to confirm the title of the ſaid Burton Wallace, in the ſaid moiety, of the ſaid meſſuage and lot of ground, in him and his heirs for ever, in fee-ſimple, and to direct and authoriſe the ſaid William White and Miers Fiſher, the truſtees abovementioned, to convey and aſſign over to ſuch perſon or perſons, as the ſaid Eſther, by deed or any writing, in

the

the nature of her laſt will and teſtament, ſhal order, direct and appoint, the moiety of the ſai perſonal eſtate, ſo conveyed, to the ſaid truſtee as above recited; and the ſaid William Whit and Miers Fiſher, the truſtees abovemention ed, have fully expreſſed their conſent and ap probation to the ſaid prayer to the petitioners Therefore,

The title of a moiety of a meſſuage and lot of ground in Philadelphia confirmed in B. Wallace and his heirs.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the title to the ſaid moiety of the ſaid meſſuage and lot of ground, ſituate in Cheſnut-ſtreet, in the city of Philadelphia, be, and the ſame is hereby confirmed in the ſaid Burton Wallace, of the city of Philadelphia, gentleman, and his heirs and aſſigns for ever, to and for his and their own uſe, as fully and amply as the ſaid Eſther was entitled to, and held and enjoyed the ſame before her marriage and the execution of the ſaid indenture, under the laſt will and teſtament of the ſaid reverend Jacob Duché, deceaſed, free, diſencumbered and diſcharged from the ſaid truſt; any contingency or other matter or thing, in the ſaid indenture contained, notwithſtanding.

W. White and M. Fiſher the truſtees, empowered to aſſign over the perſonal eſtate veſted in them.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That the ſaid William White and Miers Fiſher, the truſtees above named, be and they are hereby authoriſed and directed to aſſign over, transfer and convey, to ſuch perſon or perſons, and in ſuch ſhares and proportions, as the ſaid Eſther, by any deed or writing, in the nature of her laſt will and teſtament, ſhall order, direct and appoint, all the ſaid perſonal eſtate ſo veſted

veſted in them, as aforeſaid, by the ſaid indenture, herein before recited and referred to; and all the proceeds of the ſame, if any part thereof ſhould have been heretofore ſold or inveſted in other funds or ſecurities, free, diſencumbered and diſcharged from the ſaid truſt; any contingency or other matter or thing, in the ſaid indenture contained, notwithſtanding.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the third, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXI.

An ACT *to facilitate the ſettlement of the accounts of the former and preſent county Treaſurers for arrears of State taxes.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the comptroller and regiſter-generals be and they are hereby authoriſed to recommend to the Governor, for his approbation and appointment, a competent agent or agents (for whoſe conduct the ſaid comptroller and regiſter-generals ſhall be accountable) to

The comptroller & regiſter to recommend to the Governor a competent agent or agents for adjuſting the accounts of county treaſurers.

to examine and adjuſt the accounts of the former and preſent county treaſurers, for the arrears of ſtate taxes; which agent or agents ſhall, as ſoon as conveniently may be, attend in thoſe counties where the ſaid comptroller and regiſter-general ſhall deem neceſſary, which are in arrears in the payment of ſtate taxes, and ſhall proceed to examine and adjuſt the ſaid accounts of the former and preſent county treaſurers, as well for aſcertaining the amounts aſſeſſed, levied and collected, as in whoſe hands any balance remains; and it ſhall be the duty of the comptroller and regiſter-generals, at leaſt twenty days previous to the time of ſuch agent or agents coming into any county where ſuch accounts are to be adjuſted, to give notice thereof to the ſaid treaſurers; and if on demand made by the ſaid agent or agents, the treaſurers, commiſſioners or auditors, for auditing, ſettling and adjuſting the public accounts of county treaſurers and commiſſioners, ſhall neglect or refuſe to produce and exhibit any of their books, accounts or papers, by them kept, as county treaſurers, commiſſioners or auditors, as aforeſaid, for every ſuch neglect or refuſal of the ſaid county treaſurers, commiſſioners or auditors, they ſhall, on conviction thereof in any court of record of this commonwealth, ſeverally forfeit and pay to the treaſurer of the ſtate, for the uſe thereof, any ſum not leſs than three hundred, nor more than one thouſand dollars, at the diſcretion of the court before whom ſuch conviction may be had.

Agents duties.

Penalty on treaſurers neglecting or refuſing to exhibit their books and papers.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the comptroller and regiſter-generals, ſhall, on or before the firſt day of May next, furniſh the ſaid agent or agents, with certified copies of all the documents in their

Agents to be furniſhed with the neceſſary documents.

their reſpective offices, which they ſhall judge neceſſary, to enable him or them to execute the duties by this act enjoined; and when ſo furniſhed with the copies aforeſaid, the ſaid agent or agents ſhall proceed, at ſuch time, and to ſuch counties as the ſaid comptroller and regiſter-generals ſhall direct.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That the agent or agents appointed, as aforeſaid, when performing the duties enjoined by this act, ſhall have like powers with which the comptroller and regiſter-generals, are inveſted, by the laws of this commonwealth, ſo far as relates to the adjuſting the accounts aforeſaid. Their powers.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That all ſettlements made by virtue of this act, ſhall have like effect, and be ſubject to like appeals and reſtrictions, as are provided by the act, entitled "An Act to pro- "vide for the ſettlement of public accounts, "and for other purpoſes therein mentioned," paſſed the fourth day of April, one thouſand ſeven hundred and ninety-two. Effect of ſettlements made by virtue of this act.

Sec. 5. *And be it further enacted by the authority aforeſaid*, That each and every agent, who may be appointed as aforeſaid, ſhall be allowed for his ſervices, required by this act, four dollars per day, payable out of the aggregate funds of this commonwealth. Agents compenſation.

Sec. 6. *And be it further enacted by the authority aforeſaid*, That the act, entitled "An Act "to facilitate the ſettlement of the accounts "of former and preſent county treaſurers, for "arrears of ſtate taxes," paſſed the fourth day Repeal of a former law.

of February, one thouſand eight hundred and one, be, and the ſame is hereby repealed.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the fifth, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXII.

An ACT *to preſcribe the times, places and manner, of chooſing Senators, to repreſent this State in the Senate of the United States.*

WHEREAS, the conſtitution of the United States declares, that the times, places and manner of holding elections for ſenators of the United States, ſhall be preſcribed in each ſtate by the legiſlature thereof: Therefore,

The legiſlature to elect ſenators from this ſtate, to ſupply vacancies in the ſenate of the U. S.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That whenever a vacancy is about to take place in the repreſentation from this ſtate, in the ſenate of the United States, in conſequence of the expiration of the time for which a ſenator was choſen, the legiſlature ſhall proceed to ſupply ſuch vacancy in the following manner, to wit:

The

The members of both houſes ſhall aſſemble in the chamber of the houſe of repreſentatives, at the hour of twelve, on the ſecond Tueſday in December preceding the month of March in any year, wherein a vacancy ſhall happen by the expiration of the conſtitutional term, for which ſuch ſenator was elected, and then and there elect a ſenator or ſenators, as the caſe may be, to repreſent this ſtate in the ſenate of the United States, which election ſhall be conducted in the following manner, viz. Before the time of meeting, each houſe ſhall appoint one teller, and nominate one or more candidate or candidates for ſenator, and two days previouſly to the ſaid meeting, communicate to each other the names of the perſons ſo by them reſpectively appointed and nominated: At the meeting, the ſpeaker of the ſenate, or in his abſence, the ſpeaker of the houſe of repreſentatives ſhall preſide; the names of the perſons voted for, and the members voting, ſhall be entered in writing by the tellers, who ſhall report to the preſident the number of votes given for each candidate; if neither of the candidates ſhall have a majority of votes, of the whole number of the members preſent, a ſecond poll ſhall be taken, and ſo from time to time, until ſome one of the candidates ſhall have a majority of votes, of the whole number of the members preſent: If the election ſhall not have been completed at the firſt meeting, the preſident ſhall adjourn to ſuch time as a majority of the members then preſent ſhall agree, and ſo from time to time, until the election ſhall have been finally cloſed; whereupon, the preſident ſhall announce the perſon having a majority of votes, of the whole number of members preſent, to be duly elected a ſenator, to repreſent this ſtate in the ſenate of the United States: And the preſident

Manner of conducting the election.

ſident ſhall, in the preſence of the members of both houſes, ſign four ſeveral certificates of the election, atteſted by the tellers; one of which certificates ſhall be tranſmitted to the preſident of the ſenate of the United States, one to the perſon ſo elected, and the remaining two ſhall be preſerved among the records, and entered at length on the journal of the ſenate and on the journal of the houſe of repreſentatives: And whenever a vacancy, by death, reſignation, or otherwiſe, ſhall happen in the repreſentation of this ſtate, in the ſenate of the United States, after the ſaid ſecond Tueſday in December, and during the ſeſſion of the legiſlature; then and in ſuch caſe, the legiſlature ſhall, within eight days after knowing or being informed of ſuch vacancy, proceed to fill the ſame, in the manner herein before preſcribed.

Vacancies happening after the 2d Tueſday in December to be filled in like manner,

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the fifth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXIII.

An ACT *to erect Mahantango townſhip, in the county of Berks, into a ſeparate election diſtrict.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly*

embly met, and it is hereby enacted by the authority of the same, That the township of Mahantango, in the county of Berks, shall be a separate election district, to be called "Mahantango District;" and the electors thereof shall hold their general elections at the house now occupied by Michael Artz, in said township of Mahantango.

Mahantango township in Berks county erected into an election district.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the fifth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XXIV.

An ACT *for the relief of John Berrell.*

WHEREAS, it has been represented to the legislature that John Tyson, late of the township of Abington, county of Montgomery, and state of Pennsylvania, deceased, being in his life time, seized in his demesne, as of fee, of and in a certain lot of land, situate in the township of Abington aforesaid, containing about sixteen acres of land, did by parole contract, agree to sell and convey the same to John Berrell, of the township of Abington aforesaid, in fee, for a valuable consideration, which consideration has been paid by the said John Berrell, but

but the ſaid John Tyſon died before a deed
conveyance was executed for the ſaid lot
land: And whereas, it appears to the legiſlatu
that Iſaac Tyſon and Thomas Tyſon, executo
of the laſt will and teſtament of the ſaid Jo
Tyſon, deceaſed, are willing and deſirous tha
law ſhould be paſſed to authoriſe them to co
vey the ſaid lot of land to the ſaid John Berre
his heirs and aſſigns, conformably to the ſa
parole contract; and as relief cannot be h
under any exiſting law of this commonwealt
Therefore,

The executors of J. Tyſon deceaſed empowered to convey in fee-ſimple to J. Berrell a lot of ground in Montgomery county.

Section 1. *Be it enacted by the Senate a*
Houſe of Repreſentatives of the Commonwealth
Pennſylvania, in General Aſſembly met, and it
hereby enacted by the authority of the ſame, Th
it ſhall and may be lawful for Iſaac Tyſon a
Thomas Tyſon, executors of the laſt will a
teſtament of John Tyſon, deceaſed, by leave
the court of common pleas for the county
Montgomery, upon ſuch reaſonable notice bei
given, as the ſaid court ſhall direct, to all pe
ſons intereſted, to make and execute a deed
John Berrell, his heirs and aſſigns, for a certa
lot or piece of land, ſituate in the townſhip
Abington and county of Montgomery, begin
at a white-oak ſtump, in the line of Samu
Shoemaker's land; thence by David Krier
land, ſouth forty-eight degrees forty-five m
nutes eaſt, ſixty-three perches and a quarter
a perch, to a corner ſtone; thence by Joh
Thaw's land, north forty-one degrees and fort
minutes eaſt, twenty-two perches and forty-fiv
one hundredths of a perch, to a corner ſtone
thence ſouth forty-eight degrees forty-five mi
nutes eaſt, ſeven perches and fifteen one hun
dredths of a perch to a corner ſtone; thenc
north forty-one degrees and forty minutes eaſt

fiftee

fifteen perches and a quarter of a perch, to a corner ſtone; thence by John Hobenſack's land, north forty-eight degrees forty-five minutes weſt, ſeventy perches and four tenths of a perch, to a corner ſtone; thence by the ſaid Samuel Shoemaker's land, ſouth forty-one degrees and forty minutes weſt, thirty-eight perches and nine-tenths of a perch, to the place of beginning, containing ſixteen acres and eleven perches of land; which deed ſhall be as good and available, to all intents and purpoſes, as if the ſame had been executed in purſuance of the powers given to the courts of judicature, by the act, entitled "An Act to enable executors and adminiſtrators, by leave of court, to convey lands and "tenements contracted for with their decedents, "and for other purpoſes therein mentioned," paſſed the thirty-firſt day of March, one thouſand ſeven hundred and ninety-two: *Provided always*, That nothing herein contained, ſhall be deemed or conſtrued to bar or defeat any other perſon or perſons, bodies politic or corporate, of any right, title, intereſt, claim or demand, which they may have, in, or to the ſaid lot or piece of land, or any part thereof.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the tenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER XXV.

An ACT *altering the place of holding the elections in Air township, in the county of Bedford.*

Section 1. BE *it enacted by the Senate and Houſe of Representatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the electors reſiding within the fifth diſtrict, in the county of Bedford, ſhall hold their general elections at the houſe now occupied by Jacob Four, in M'Connelſburgh; any former law to the contrary thereof notwithſtanding.

Place for holding elections within the fifth diſtrict of Bedford county.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the thirteenth, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXVI.

A FURTHER SUPPLEMENT *to the act, entitled "An Act to incorporate the diſtrict of "Southwark."*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly*

sembly met, and it is hereby enacted by the authority of the same, That the commissioners of the district of Southwark, be, and they are hereby authorised and empowered to appoint one or more proper officer or officers, for such time, and under such security and penalties, as to them may appear necessary, for the inspection and measurement of all cord-wood which may be landed or offered for sale within any part of the district aforesaid; and the officer or officers so appointed, shall be entitled to receive, as a compensation for his or their services, at the rate of four-pence per cord, for all wood so measured and inspected, one moiety thereof to be paid by the seller, and the other moiety by the purchaser.

Commissioners of Southwark empowered to appoint wood-corders;

Sec. 2. *And be it further enacted by the authority aforesaid*, That every person appointed a corder or inspector of wood, agreeably to the provision of this act, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before some justice of the peace, that he will perform his duty with fidelity and impartiality.

who shall take and subscribe an oath or affirmation to perform the duties of the office with fidelity.

Sec. 3. *And be it further enacted by the authority aforesaid*, That if any person or persons shall, from and after the first day of March next, exercise the office of corder or inspector of cord-wood within the district aforesaid, unless he or they be duly authorised by the commissioners thereof, he or they so offending, shall on conviction thereof, forfeit and pay the sum of two dollars for every such offence, one moiety thereof to the overseers of the poor of the said district, and the other

Penalty on persons not authorised, exercising said office.

moiety to the perſon who ſhall ſue for the ſame.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the thirteenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXVII.

An ACT *erecting the townſhip of Conemaugh, in the county of Somerſet into a ſeparate election diſtrict.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, Conemaugh townſhip, in the county of Somerſet, ſhall be an election diſtrict, and the electors thereof ſhall hold their general elections at the houſe now occupied by John Horner, junior, in the town of Conemaugh, in ſaid townſhip, and ſhall henceforth be called Conemaugh diſtrict.

Conemaugh townſhip in Somerſet county made an election diſtrict.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the thirteenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER XXVIII.

An ACT *erecting certain election diſtricts in the county of York.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the townſhips of Warrington, Reading and Huntingdon, ſhall be a ſeparate diſtrict, to be called the fifth election diſtrict, and the electors thereof ſhall hold their general elections at the houſe of James M'Millen, in Roſstown.

Place for holding elections within the fifth diſtrict of York county.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That the townſhip of Manahan, ſhall be a ſeparate diſtrict, to be called the ſixth election diſtrict, and the electors thereof ſhall hold their general elections at the houſe now occupied by Leonard Eichelberger, in ſaid townſhip.

Sixth election diſtrict erected.

Sec. 3. *And be it further enacted by the authority aforeſaid,* That the townſhip of Shrewſbury, ſhall be a diſtrict, to be called the ſeventh election diſtrict, and the electors thereof ſhall hold their general elections at the houſe of the late Thomas Ehrhart, deceaſed, of ſaid townſhip.

Seventh diſtrict

Sec. 4. *And be it further enacted by the authority aforeſaid,* That the townſhip of Codorus, ſhall be a ſeparate election diſtrict, to be called the eighth diſtrict, and the electors thereof ſhall hold their general elections at the houſe now occupied by Adam Zigler, in ſaid townſhip.

Eighth diſtrict.

Sec. 5.

Ninth district.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the township of Dover, shall be a separate election district, to be called the ninth district, and the electors thereof shall hold their general elections at the house now occupied by Patrick M'Farlin, in Dovertown, in said township.

ISAAC WEAVER, *junior*, *Speaker*,
of the House of Representatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—February the thirteenth, 1802:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER XXIX.

An ACT *for the relief of Michael Cox.*

WHEREAS, it hath been represented to the legislature, that a certain Joseph Terrance, purchased at public sale, of the agents of forfeited estates, one hundred and fifty-six acres and one half of an acre of land, with the appurtenances, situate in German township, in the county of Fayette, which had been confiscated to this commonwealth, as the estate of Anthony Yeldall, and which by deed poll, dated the twenty-third day of February, in the year one thousand seven hundred and ninety-three, was, under the hand of Thomas Mifflin, then governor,

governor, and the great ſeal of the ſaid commonwealth, conveyed in fee-ſimple to the ſaid Joſeph Terrance, who, together with his wife, by indenture, conveyed the ſame to William Oliphant, who, together with his wife, conveyed the ſame to the ſaid Michael Cox, who, on the thirteenth day of December, in the year one thouſand and eight hundred, was, in due form of law, evicted from the ſaid tract of land, by a title paramount in a certain Edward Green: And whereas, by the laws of this commonwealth, the ſaid Michael Cox is entitled to be paid out of the treaſury of the ſtate, the value of the ſaid tract of land at the time of the ſaid eviction: Therefore,

The value of the land from which M. Cox was evicted & alſo of the meſne profits to be aſcertained,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That the court of common pleas, in and for the ſaid county of Fayette, is hereby authoriſed and required, on the petition of the ſaid Michael Cox, to award a writ of appraiſement, directing the ſheriff of the ſaid county, to ſummon an inqueſt to appear and aſcertain, on oath or affirmation, the value of the ſaid tract of land, containing one hundred and fifty-ſix acres and one half of an acre, with the appurtenances, ſituate in German townſhip, in the county aforeſaid, at the time of the ſaid eviction, and alſo the value of the meſne profits of the ſaid tract, in the hands of the ſaid Michael Cox, and to make a due return thereof; and the ſaid court, if they approve of the ſame, ſhall certify all the proceedings had in purſuance of this act, to the Governor, who ſhall thereupon deduct the meſne profits from the valuation of the ſaid tract, and draw a warrant on

for amount of which, deducting the meſne profits, he is to have a warrant on the treaſury

on the treaſurer of the ſtate for the remainder the valuation, in favor of the ſaid Michael Co to be paid out of any unappropriated monies this commonwealth, as a full ſatisfaction an compenſation for all coſts and damages, whic may have been ſuſtained through the defect an invalidity of the deed of conveyance, made a aforeſaid, to the ſaid Joſeph Terrance.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentative*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the nineteenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXX.

An ACT *to enable James Wickerſham, Samue Garretſon and Ezekiel Kirk, to convey a cer tain piece of land in the townſhip of Newbury York county.*

WHEREAS, James Wickerſham, Samuel Garretſon and Ezekiel Kirk, truſtees appointed by the monthly meeting of the ſociety of the people called Quakers, held at Warrington meeting-houſe, in the townſhip of Warrington, in the county of York, have by their petition to the legiſlature, repreſented that a certain tract of land was granted to John Garretſon

ſon and Joſeph Hutton (now deceaſed) by patent dated the twentieth day of May, in the year of our Lord one thouſand ſeven hundred and ninety-ſix, in truſt for the uſe of ſaid ſociety, in the townſhip of Newbury, in the county aforeſaid, for the purpoſe of a place of meeting and burying ground; and that the ſaid ſociety, at the laſt mentioned place, ordered and directed them the ſaid truſtees to ſell a part of the ſaid tract, amounting to thirteen acres and two perches, to defray the expences incurred by patenting the ſame, as well as certain expences incurred on account of ſome poor perſons aſſiſted by the ſociety at the ſaid laſt mentioned place; and that in purſuance of the ſaid order and direction, they did ſell the ſaid thirteen acres and two perches of land, to a certain Cornelius Garretſon, for the ſum of ſixty-four pounds one ſhilling and threepence; and therefore the ſaid truſtees reſpectfully ſolicit that an act may be paſſed, to veſt the title of the ſaid ſociety in the premiſes in the ſaid Cornelius Garretſon, in fee-ſimple: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the ſaid James Wickerſham, Samuel Garretſon and Ezekiel Kirk, the ſurvivor or ſurvivors of them, ſhall be, and they are hereby empowered to convey in fee-ſimple, by deed reciting this act, to the ſaid Cornelius Garretſon, thirteen acres and two perches of land, by metes and bounds, being part of a certain tract of land, patented to John Garretſon and Joſeph Hutton, on the twentieth day of May, in the year of our Lord one thouſand ſeven hundred and ninety-ſix, in truſt for the uſe of the ſociety of the people called

J. Wickerſham and others empowered to convey in fee-ſimple a piece of land ſituate in York county

called Quakers, in Newbury townſhip, in th county of York, for the purpoſe of a place c meeting and burying ground; which ſaid thi teen acres and two perches, have been ſold b them to the ſaid Cornelius Garretſon, in orde to defray certain expences incurred in neceſſar and benevolent purpoſes, as ſet forth in thei petition to the legiſlature, in obedience to th order and direction of the ſaid ſociety.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the nineteenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXXI.

An ACT *to erect the town of Canonſburg, in the county of Waſhington into a borough.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That the town of Canonsburgh, in the county of Waſhington, ſhall be, and the ſame is hereby, erected into a borough, which ſhall be called the "Borough of "Canonſburgh," and ſhall be compriſed within the following bounds, to wit: Beginning at

The town of Canonſburg erected into a borough and its boundaries deſcribed.

at the mouth of Buſh-run; thence up ſaid run, to the diviſion line between Craig Ritchie's land and Samuel Witherſpoon's lot; thence along the line of ſaid lot, ſo as to include the ſame, to Thomas Briceland's land; thence along the line of ſaid land, until it ſtrikes Wells's road; thence to the corner of Nathan Andrews's lot; thence along the north ſide of the ſame, to the lot attached to the old brewhouſe; thence along ſaid lot, ſo as to include the ſame, to the weſt end of the town lots, on the weſt ſide of the principal ſtreet; thence along the end of ſaid lots, to the Waſhington road; thence along the ſaid road ſouth-weſt, to a white-oak marked G, at the ſouth-weſt end of Miller's improvement on Darr and Ogle's land; thence a direct courſe to Chartier's creek; thence down the ſame, to the place of beginning.

When & what borough officers ſhall be choſen & manner of chooſing them.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful for all perſons having reſided within the ſaid borough ſix months next preceding the election, and being entitled to vote for members of the general aſſembly, on the firſt Monday of May, in each and every year hereafter, to meet in one of the rooms of the college in the ſaid borough, and then and there elect, by ballot, between the hours of twelve and ſix o'clock in the evening, one reputable citizen, reſiding therein, who ſhall be ſtyled the burgeſs of the borough, and five reputable citizens to be a town council, and ſhall alſo elect a high conſtable; but previous to the opening of any ſuch election, the ſaid inhabitants ſhall elect three reputable citizens, one of whom ſhall preſide as judge, one to act as inſpector, and the other to perform the duty of clerk, according to the directions of the general election laws of this commonwealth, ſo far

as relates to receiving and counting votes, ar
ſhall be ſubject to the ſame penalties for ma
practices, as by the ſaid election laws are in
poſed; and the ſaid judge, inſpector and cler
before they enter on the exerciſe of their r
ſpective duties, ſhall take an oath or affirmatio
before any juſtice of the peace of the coun
of Waſhington, to perform the ſame with fide
ty, and ſhall hold the ſaid elections from time
time, as occaſion ſhall require, receive and cou
the ballots, and declare the perſons having th
greateſt number of votes, to be duly elected
whereupon duplicate certificates thereof ſhall b
ſigned by the ſaid judge, inſpector and cler
one of which ſhall be tranſmitted to each of th
perſons elected, and the other filed among th
records of the corporation, for their ſafe kee
ing, and in caſe of vacancy, by death, reſig
nation, refuſal to accept, or removal from th
ſaid borough, of any of the ſaid officers, th
burgeſs, or in his abſence or inability to ac
the firſt named of the town council, ſhall iſſu
his precept, directed to the high conſtable, r
quiring him to hold an election to fill ſuch va
cancy, he giving at leaſt ten days previous no
tice, by advertiſements ſet up at four of the mo
public places within the ſaid borough.

Incorporation of the borough officers & their corporate powers defined.

Sec. 3. *And be it further enacted by the au*
thority aforeſaid, That the burgeſs and tow
council, duly elected as aforeſaid, and the
ſucceſſors forever hereafter, ſhall be one bod
politic and corporate in law, by the name
"The burgeſs and town council of the bo
" rough of Canonſburgh, in the county of Waſ
" ington," and ſhall have perpetual ſucceſſion
and the ſaid burgeſs and town council afor
ſaid, and their ſucceſſors forever, hereafter ſha
be capable in law, to have, get, receive, ho
al

and poſſeſs, lands, tenements, rents, liberties, juriſdictions, franchiſes and hereditaments, to them and their ſucceſſors, in fee-ſimple or otherwiſe, alſo goods, chattels and other things, of what nature or kind ſoever, not exceeding the yearly value of three thouſand dollars, and alſo to give, grant, let, ſell and aſſign the ſame lands, tenements, hereditaments, rents, goods and chattels, and by the name aforeſaid, they ſhall be capable in law, to ſue and be ſued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatſoever, and to have and uſe one common ſeal, and the ſame, from time to time, at their will, to change and alter.

Penalty for refuſing to act as a borough officer, to be applied to the uſe of the corporation.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That if any perſon duly qualified to elect and be elected, whether the burgeſs or a member of the town council as aforeſaid, having been notified as before directed, ſhall refuſe or neglect to take upon himſelf the execution of the office to which he ſhall have been elected, every perſon ſo refuſing or neglecting, ſhall forfeit and pay the ſum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in purſuance of this act, or of the bye-laws and ordinances of the town council, ſhall be for the uſe of the ſaid corporation.

Qualifications of the borough officers.

Sec. 5. *And be it further enacted by the authority aforeſaid*, That the burgeſs, town council, and high conſtable, and each of them, ſhall take an oath or affirmation, before any one of the judges or juſtices of the peace for the county of Waſhington, to ſupport the conſtitution of the United States and of this ſtate, and well and truly to execute the duties of

of their reſpective offices in the borough Canonſburgh, before they ſhall enter on the execution thereof, and the certificate of ſuch oath or affirmation, ſhall be recorded in the books of the ſaid corporation.

Further & general powers given them.

Sec. 6. *And be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful for the town council to meet as often as occaſion may require, and may appoint a town clerk, and ſuch other officers as may be neceſſary to regulate the digging and gathering of coal, in the coal-banks adjacent to the ſaid town, by the inhabitants thereof, in ſuch manner that the private rights of individuals be not injured or impaired, and manage the concerns of the coal-banks, ſo far as the right of the inhabitants of the ſaid borough extends to the ſame; for repairing the ſtreets, lanes and alleys, and for removing nuiſances and obſtructions therefrom; for regulating partition walls and fences; to enact ſuch bye-laws, and make ſuch rules, ordinances and regulations; aſſeſs, apportion and appropriate ſuch taxes as ſhall be thought, by a majority of the town council, beſt calculated to promote the foregoing purpoſes, and to do every matter and thing incident to, and for the good of the ſaid borough, for the preſervation of peace and good government within the ſame; which bye-laws, rules, ordinances and regulations, ſhall not be repugnant to the conſtitution and laws of the United States or of this ſtate, and the ſame to revoke and annul, alter and make anew, as occaſion may require; but no perſon ſhall be puniſhable for any breach of the bye-laws, rules, ordinances and regulations, unleſs after the paſſing of any ordinance, the ſame be ſet up on the market-houſe, and on two other of the moſt public places within the ſaid borough;

rough; and no bye-law or ordinance ſhall have any effect ſooner than three weeks after ſuch publication: *Provided neverthelefs*, That no tax ſhall be laid in any one year, on the valuation of taxable property, exceeding one cent in the dollar, unleſs ſome object of general utility ſhould be thought neceſſary; in ſuch caſe a majority of the taxable inhabitants of ſaid town, by writing, under their hands, ſhall certify the ſame to the town council, who ſhall proceed to aſſeſs the ſame, as before directed.

How taxes, &c. are to be collected and to whom paid.

Sec. 7. *And be it further enacted by the authority aforeſaid*, That the burgeſs elect, agreeably to the directions of this act, is hereby authoriſed and empowered to iſſue his precept to the high conſtable, commanding him to collect all taxes aſſeſſed from time to time, as aforeſaid, and all fines and forfeitures that may become due by this act, or by the ordinances or regulations of the corporation, and the ſame to pay over to the treaſurer to be appointed by the town council, and to carry into effect whatſoever is enjoined on him for the well ordering and good government of the ſaid borough: *Provided neverthelefs*, That it ſhall and may be lawful to and for the juſtices of the peace of the ſaid borough, and all and every the juſtice or juſtices of the peace aforeſaid, reſiding or being in the ſaid borough, to do and execute every act or acts, as pertaining to their office, agreeably to the powers conferred on them by the conſtitution and laws of this commonwealth.

Bye-laws, &c. to be recorded.

Sec. 8. *And be it further enacted by the authority aforeſaid*, That the burgeſs ſhall be, and he is hereby required to cauſe the bye-laws, rules, ordinances and regulations, made as aforeſaid, to be recorded in a book to be kept for that

that purpoſe; and he ſhall carry the ſame into full execution, without delay, after the publication thereof, as directed by the ſixth ſection of this act: And it ſhall be the duty of the town clerk to attend all meetings of the town council, when aſſembled on buſineſs of the corporation, and perform the duties of clerk thereto, and keep and preſerve the common ſeal, records, papers, books and other documents relating to ſaid corporation, under the penalty of being anſwerable to any perſon concerned, for all damages, and of removal from office by the burgeſs, on complaint of a majority of the council; and the high conſtable ſhall perform all the duties on him enjoined by this act and the bye-laws and ordinances of the town council, under the like penalties and manner of removal: *Provided always*, That if any perſon ſhall think himſelf or herſelf aggrieved by any thing done in purſuance of this act, he or ſhe may appeal to the next court of quarter ſeſſions to be holden for the county of Waſhington, he or ſhe giving ſurety, according to law, to proſecute his or her appeal with effect, which court ſhall take ſuch order therein, as ſhall be juſt and reaſonable, which order or judgment ſhall be concluſive to all parties.

Duties of the town clerk & high conſtable, and penalty for the non performance of them,

appeal allowed.

Sec. 9. *And be it further enacted by the authority aforeſaid*, That nothing contained in an act of the general aſſembly, entitled "An "Act for opening and better amending and keeping in repair the public roads and highways "within this province," paſſed in the year of our Lord one thouſand ſeven hundred and ſeventy two, ſhall be deemed, conſtrued or taken to extend to the public roads, ſtreets, lanes or alleys within the ſaid borough, or to the aſſeſſing the inhabitants thereof, for the purpoſes therein mentioned

The act relating to public roads and highways not to extend to this borough.

mentioned, or to any matter or thing to be done or performed therein.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the twenty-ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXXII.

An ACT *declaring Ten-mile creek, from the mouth thereof, to Jacob Adams' mill, in the county of Greene, a public highway.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, Ten-mile creek, from the mouth thereof, at the Monongahela river, up to the main fork, and thence up the ſouth branch of ſaid creek, as far as Jacob Adams' mill, near Wayneſburgh, in the county of Greene, ſhall be, and the ſame is hereby declared to be a public highway, under the limitations and reſtrictions hereinafter ſpecified; and it ſhall and may be lawful for any perſon or perſons deſirous of improving or uſing the navigation of ſaid creek, to remove all natural and artificial obſtructions (excepting mill-dams

Part of Ten-mile creek declared a public highway.

dams already built) out of the bed of ſaid creek, from the mouth thereof to the main fork, and thence up the ſouth branch, to the ſaid Jacob Adams' mill, and alſo to erect ſuch ſlopes at the mill-dams already built, and keep them in repair, as may be neceſſary for the paſſage of boats and rafts and the aſcent of fiſh: *Provided always*, That ſuch ſlopes be ſo conſtructed and repaired, as not in any wiſe to injure the ſaid dams.

Proviſion in favour of perſons having a right to erect mill-dams.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That nothing in this act contained, ſhall be deemed, taken or underſtood to prevent any perſon or perſons, their heirs or aſſigns, poſſeſſing lands on ſaid creek, who before the paſſing of this act had a lawful right to erect a dam or dams, from erecting any ſuch dam or dams that he, ſhe or they may think proper: *Provided always*, That every ſuch dam be ſo conſtructed and kept in repair, as that there ſhall be a ſlope to each dam, at leaſt thirty feet in width, and extending four times the diſtance down the creek that ſuch dam may be in perpendicular height, and ſufficient for the paſſage of boats and rafts, and the aſcent of fiſh.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the twenty-ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP.

CHAPTER XXXIII.

An ACT *regulating the office of Juſtice of the Peace, and for other purpoſes.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the firſt day of Auguſt next, no juſtice of the peace ſhall act as ſuch unleſs he ſhall reſide within the limits of the diſtrict for which he was commiſſioned.

Juſtices of the peace not to act out of the diſtrict for which they were appointed.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That from and after the firſt day of July next, no licence for keeping a tavern or public houſe of entertainment, ſhall be granted to any perſon either directly or indirectly, who at the ſame time holds a commiſſion of the peace; and if any juſtice of the peace or alderman, ſhall keep his ſtated office in any tavern or public houſe of entertainment, or any building appertaining thereunto, he ſhall for every ſuch offence, on conviction thereof, in any court of quarter ſeſſions of the peace, or mayor's court of the proper city or county, forfeit and pay the ſum of fifty dollars, one moiety thereof to the overſeers, guardians or directors of the poor of the townſhip, diſtrict or county where ſuch offence ſhall have been committed, to be applied to the ſupport of the poor,

Not to keep tavern or hold their offices in any tavern, &c. and penalty for ſo doing.

and the other moiety thereof to the profe cutor.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the twenty-ſecond, 1802

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXXIV.

An ACT *to provide for the education of Poo Children gratis.*

WHEREAS, by the firſt ſection of th ſeventh article of the conſtitution of thi commonwealth, it is directed "That the legi "lature ſhall, as ſoon as conveniently may be "provide by law for the eſtabliſhment of ſchool "throughout the ſtate, in ſuch manner as tha "the poor may be taught gratis:" Therefore,

Section 1. *Be it enacted by the Senate an Houſe of Repreſentatives of the Commonwealth Pennſylvania, in General Aſſembly met, and it hereby enacted by the authority of the ſame*, Tha from and after the paſſing of this act, the guar dians and overſeers of the poor of the city o Philadelphia, the diſtrict of Southwark and town ſhip of the Northern-Liberties, and every town ſhi

Thoſe children whoſe parents or guardians ſhall be judged unable to educate them, to be taught gratis.

ſhip and borough within this commonwealth, ſhall aſcertain the names of all thoſe children whoſe parents or guardians they ſhall judge to be unable to give them neceſſary education, and ſhall give notice in writing to ſuch parents or guardians, that proviſion is made by law for the education of their children or the children under their care, and that they have a full and free right to ſubſcribe, at the uſual rates, and ſend them to any ſchool in their neighborhood, giving notice thereof, as ſoon as may be, to the guardians or overſeers, of the term for which they have ſubſcribed, the number of ſcholars, and the rate of tuition; and in thoſe townſhips where there are no guardians or overſeers of the poor, the ſuperviſors of the highways ſhall perform the duties herein required to be done by the guardians or overſeers of the poor.

How the expences thereof are to be aſcertained, levied and collected.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That every guardian overſeer of the poor, or ſuperviſor of the highway, as the caſe may be, in any townſhip or place where any ſuch child or children ſhall be ſent to ſchool as aforeſaid, ſhall enter in a book, the name or names, age, and length of time ſuch child or children ſhall have been ſo ſent to ſchool, together with the amount of ſchooling, ſchool-books and ſtationary, and ſhall levy and collect, in the ſame way and manner, and under the ſame regulations as poor taxes or road taxes are levied and collected, a ſufficient ſum of money from their reſpective townſhips, boroughs, wards or diſtricts, to diſcharge ſuch expences, together with the ſum of five per cent. for their trouble.

Sec. 3. *And be it further enacted by the authoriſed aforeſaid*, That the guardians or overſeers

Guardians or overſeers of the poor, in what manner to ſettle their accounts.

feers of the poor for the time being, or ſupervifors of the highways, as the caſe may be, ſhall uſe all diligence and prudence in carrying this act into effect, and ſhall ſettle their accounts in the ſame way and manner as by the exiſting laws of the ſtate, the guardians, overſeers of the poor and ſupervifors of the highways, are authoriſed and required to ſettle their accounts.

Limitation of the act.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That this act ſhall continue in force for the term of three years, and from thence to the end of the next ſitting of the general aſſembly, and no longer.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the firſt, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XXXV.

An ACT *altering the place of holding elections in the fourth diſtrict, in the county of Northampton.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority*

thority of the ſame, That the electors of the fourth election diſtrict, in the county of Northampton, ſhall from and after the paſſing of this act, hold their general elections at the houſe now occupied by Ulrich Houſer, in the township of Lower Smithfield aforeſaid; any thing to the contrary thereof in any former law notwithſtanding.

Place where elections are to be held within the fourth diſtrict, Northampton county.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the firſt, 1802:

THOMAS M'KEAN, *Governor, of the Commonwealth of Pennſylvania.*

CHAPTER XXXVI.

An ACT *altering the place of holding elections in the fifth diſtrict, in the county of Cumberland.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the electors in the townſhips of Juniata, Greenwood, and that part of Buffaloe townſhip lying above the Falls-hill, in the county of Cumberland, ſhall hold their general elections at the houſe now or lately occupied by William

Place of holding elections in the townſhips of Juniata, Greenwood, &c. in Cumberland county

William Woods, at Millar's town, in the township of Greenwood aforesaid; any law to the contrary notwithstanding.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the eighth, 1802:

THOMAS M'KEAN, *Governor, of the Commonwealth of Pennsylvania.*

CHAPTER XXXVII.

An ACT *to authorise John Sherer, to erect a wing-dam on Monongahela river, in the county of Allegheny.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That John Sherer, his heirs and assigns, be, and they are hereby authorised to erect a wing-dam two feet high at low water mark, on Monongahela river, adjoining his own land in the county of Allegheny, about one mile below M'Kee's port, on the north-east side of said river, at a place known by the name of "Braddock's upper fording," and to extend the dam so far into the said river as may be necessary, not exceeding one-third of the width of

J. Sherer authorised to erect a wing-dam on the Monongahela river, so as not to impede the navigation thereof.

of ſaid river, for his mill or mills: *Provided*, That the ſaid John Sherer, his heirs and aſſigns, in erecting the ſaid dam or keeping the ſame in repair, or in drawing off the water, ſhall not thereby, in any degree, injure or impede the navigation of the ſaid river, or prevent the fiſh from paſſing up the ſame: *And provided alſo*, That the ſaid John Sherer, his heirs and aſſigns, ſhall not thereby interfere with any private property on the ſaid river.

Commiſſioners to be appointed on complaint of any perſon to view the dam, &c.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That on complaint of any perſon or perſons to the judges of the court of quarter ſeſſions of the ſaid county, it ſhall be the duty of the ſaid judges to appoint three commiſſioners to view the ſaid dam, and compare it with the limitations and proviſions herein ſet forth and enacted, and report to them at their next ſeſſions in the ſaid county the ſtate thereof; which report, if it contain an offence againſt this act, it ſhall be the duty of the court to direct a bill of indictment to be ſent to the grand jury, and upon proſecution to conviction, the ſaid John Sherer, his heirs or aſſigns, ſhall be liable to pay a fine not exceeding two hundred dollars, at the diſcretion of the court, who ſhall order ſo much of the ſaid dam to be abated as ſhall bring the ſame within the limitations and proviſions of this act, at the coſt of the perſon ſo convicted.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor, of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER XXXVIII.

An ACT *to erect Deer township, in the county of Allegheny, into a separate election district.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Deer township, in Allegheny county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas M'Connell, in said township.

Deer township in Allegheny county, erected into an election district.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twelfth, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XXXIX.

An ACT *altering the place of holding the general elections, in the second election district in the county of Westmoreland.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly*

ſembly met, and it is hereby enacted by the authority of the ſame, That from and after the paſſing of this act, the electors reſiding within the ſecond election diſtrict, compoſed of Waſhington and that part of Franklin townſhip, that lies north of the new Frankſtown road in the county of Weſtmoreland, ſhall hold their general elections at the houſe now occupied by John King, in Waſhington townſhip aforeſaid; any law or laws to the contrary notwithſtanding.

Place where elections are to be held in the ſecond election diſtrict, Weſtmoreland county.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XL.

An ACT *altering the place of holding the general election, in the diſtrict compoſed of Wheatfield and part of Fairfield townſhips, in the county of Weſtmoreland.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the electors reſiding within the diſtrict compoſed of Wheatfield and part of Fairfield townſhips, in the county of Weſtmoreland,

Place for holding elections in Wheatfield and part of Fairfield townſhips, Weſtmoreland county.

Weſtmoreland, ſhall hold their general elections at the houſe now occupied by Richard Dimſey, in the town of Armagh; any law or laws to the contrary notwithſtanding.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XLI.

An ACT *for the relief of divers inhabitants of the county of Adams.*

WHEREAS, ſundry of the inhabitants of the county of Adams have repreſented to the legiſlature that they hold lands in the ſaid county which were ſettled and improved previouſly to the eighteenth day of June, in the year of our Lord one thouſand ſeven hundred and forty-one, when a warrant iſſued for the erection of the manor of Maſk, in the ſaid county, the boundary of which was not aſcertained till June, in the year of our Lord one thouſand ſeven hundred and ſixty-five: That during that period of uncertainty, as to the actual limits of the ſaid manor, the preſent applicants or thoſe under whom they claim, being ſuppoſed to be embraced by it, were precluded from paying the purchaſe

purchaſe money of their reſpective tracts, by the proper office being ſhut againſt the receipt thereof: That by order of the proprietor, a liſt deſcriptive of the names of the firſt ſettlers and the dates of their ſettlement was made and returned into the land-office, as evidencing the inception of title in the ſaid manor: But that on the eſtabliſhment of the boundary, ſome of the perſons named in the ſaid liſt, under whom the preſent applicants claim, found their ſettlements in whole or in part excluded from the ſaid manor; and that the late proprietors in the adjuſtment of the purchaſe-money with the ſaid ſettlers and their legal repreſentatives who were included in the manor, thought it juſt and equitable to exonerate them from the payment of intereſt on their reſpective purchaſes during the period aforeſaid: And whereas the ſame juſtice and equity is alike due to all who are ſimilarly circumſtanced: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That an abatement of intereſt from the eighteenth day of June, in the year of our Lord one thouſand ſeven hundred and forty-one, until the eighteenth day of June, in the year of our Lord one thouſand ſeven hundred and ſixty-five, ſhall be made on the purchaſe-money due by the original ſettlers and their legal repreſentatives, who were excluded by the eſtabliſhed boundary of the manor of Maſk from being within the ſame, and who were prevented from perfecting their title in conſequence of their diſpute reſpecting the boundaries of ſaid manor, of which prevention ſatisfactory proof ſhall be made, and that thereupon the proper officer

An abatement of intereſt allowed on the purchaſe money due for certain lands in Adams county on condition that the preſent proprietors take out their patents within 3 years.

officer credit the ſaid purchaſes reſpectively, on their final adjuſtment with this exoneration: *Provided always nevertheleſs*, That the aforeſaid original ſettlers or their legal repreſentatives come forward and pay the purchaſe-money and remaining intereſt to the receiver-general of the land-office, and take out patents for their reſpective purchaſes within three years, from and after the paſſing of this act, otherwiſe to be excluded from the benefit and proviſions therein contained.

ISAAC WEAVER, *junior*, *Speaker, of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XLII.

An ACT *for the erection of certain election diſtricts in the county of Mercer.*

Wolf-creek township in the county of Mercer, declared to be a ſeparate election diſtrict.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, Wolf-creek townſhip, in the county of Mercer, is hereby declared to be a ſeparate

separate election district, and the electors thereof shall hold their general election at the house now occupied by Charles Blair, in said township.

Sec. 2. *And be it further enacted by the authority aforesaid*, That Coolspring township, in the county aforesaid, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Peter Wilson, in said township. Coolspring township ditto.

Sec. 3. *And be it further enacted by the authority aforesaid*, That Sandy creek township, in the county aforesaid, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by David Condit, in said township. Sandy-creek township ditto.

Sec. 4. *And be it further enacted by the authority aforesaid*, That Salem township, in the county aforesaid, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Williamson, in said township. Salem township ditto.

Sec. 5. *And be it further enacted by the authority aforesaid*, That Pymatuning township and that part of Neshanock township in the county aforesaid, which lies north of the donation land in the third donation district, be a separate election district, and the electors thereof shall hold their general election at the house now occupied by Vincent Robbins, in Pymatuning township. Pymatuning and part of Neshanock township ditto.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the township of Neshanock, in the county aforesaid, except that part already annexed to Pymatuning township, be a separate Residue of Neshanock township ditto.

ſeparate election diſtrict, and that the electo thereof ſhall hold their general elections at t houſe now occupied by James Huſton, in fa townſhip.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentativ*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XLIII.

A SUPPLEMENT *to the act, entitled "An "Act to authoriſe the Governor of this Com- "monwealth, to incorporate a company for "erecting a bridge over the river Delaware "at the borough of Eaſton, in the county of "Northampton."*

WHEREAS, the preſident, managers and company, for erecting a bridge over the river Delaware, at the borough of Eaſton, have repreſented by their petition to the general aſſembly, that by reaſon of certain unforeſeen impediments, they have not been able to complete the ſaid bridge within the period limited by the act aforeſaid: And whereas it is juſt and proper, in order to prevent the failure of ſo uſeful an undertaking, and the loſs of the money already expended

expended thereon, that the term for the completion of the said bridge should be enlarged.

Section 1. *Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That a further term of seven years, from and after the thirteenth day of March next, be and the same is hereby granted to the president, managers and company, for erecting a bridge over the river Delaware, at the borough of Easton, to complete the said bridge; any thing to the contrary hereof in the act to which this is a supplement notwithstanding.

Time for erecting a bridge over the river Delaware at Easton extended.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XLIV.

An ACT *altering the place of holding the general elections in Wyalusing district, in the county of Luzerne.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly*

sembly met, and it is hereby enacted by the a
Place where elections shall be held within the district of Wyalusing, Luzerne county.
thority of the same, That from and after t passing of this act, the electors residing with the district of Wyalusing, in the county of L zerne, shall hold their general elections at t house now occupied by Justus Gaylord, junio in said district; any former law to the contra notwithstanding.

ISAAC WEAVER, *junior*, *Speaker of the House of Representative*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the seventeenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XLV.

An ACT *altering the place of holding the ge neral elections, in the fourth election dist ict composed of the township of Bald-Eagle, in Cen tre county.*

Section 1. BE *it enacted by the Senate an House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the au-*
Place for holding elections within the fourth election district, Centre county.
thority of the same, That from and after the passing of this act, the electors of the fourth election district, composed of Bald-Eagle township, in Centre county, shall hold their general elections

elections at the houſe now occupied by Caſper Richards, in ſaid diſtrict.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the ſeventeenth, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XLVI.

An ACT *for the relief of Lewis Garanger.*

WHEREAS, the commonwealth of Pennſylvania received on loan from Lewis Garanger, a certain certificate of regiſtered debt granted to him by the United States for his ſervices in the revolutionary war, and for which the comptroller-general and treaſurer of this ſtate, on the firſt day of April, one thouſand ſeven hundred and eighty-ſix, iſſued two new loan certificates, numbered ſeven thouſand four hundred and fifty-five, and ſeven thouſand four hundred and fifty-ſix, in favor of the ſaid Lewis Garanger, for the ſum of ſeven hundred and thirty-ſeven pounds twelve ſhillings and ſix-pence, bearing intereſt from the twenty-ninth day of September, one thouſand ſeven hundred and eighty-one, and four years intereſt have been paid thereon by this ſtate: And whereas the ſaid certificate of regiſtered debt hath not been re-exchanged for the ſaid new loan certificates which remain unredeemed: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the comptroller-general and register-general, be and they are hereby authorised and directed to adjust and settle the principal and interest due on the said new loan certificates, and cancel the same; and that the Governor is hereby authorised and required to draw his warrant on the state-treasurer, in favor of the said Lewis Garanger, for the amount of the sum so adjusted and settled, to be paid out of any unappropriated money of this commonwealth.

The comptroller and register empowered to adjust Lewis Garanger's claim, and warrant to issue for the amount.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the seventeenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XLVII.

An ACT *to enable the Trustees of the religious society of Moravians or United Brethren, in Mountjoy township, Lancaster county, to convey certain land therein mentioned, to Henry Meyer.*

HENRY MEYER, of the township of Mountjoy, in the county of Lancaster, having represented to the legislature, that being seized

ſeized in fee of a certain tract of land, adjoining the glebe land belonging to the religious ſociety of people called Moravians or United Brethren, and ſituated in the ſaid townſhip and county; and that for the mutual convenience and accommodation of himſelf and of the members of the ſaid ſociety, he did agree with the truſtees of ſaid ſociety to exchange two acres, part of his land, for the like quantity of two acres, part of the glebe land aforeſaid; which lands ſo exchanged, were aſcertained by an accurate ſurvey thereof, by courſes and diſtances, bounds and limits, agreed upon between the ſaid parties, and that in purſuance of the ſaid agreement, the ſaid Henry Meyer, by ſufficient deed, did convey and aſſure to the truſtees of the ſaid ſociety, in fee-ſimple, for the uſe of the ſaid ſociety, by metes and bounds, two acres of land, but that he is without a ſufficient title for the land agreed to be conveyed to him in lieu thereof, for want of power in the ſaid truſtees to convey the ſame, and it is reaſonable that the ſaid Henry Meyer ſhould be relieved in the premiſes: Therefore,

The truſtees of the Moravian ſociety in Mountjoy townſhip, Lancaſter county empowered to convey a piece of land to H. Meyer, &c.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for Jacob Rixecker and John Rixecker, the preſent truſtees of the religious ſociety of Moravians or United Brethren, in Mountjoy townſhip, in the county of Lancaſter, to exchange with, and by a ſufficient deed, to convey in fee-ſimple to Henry Meyer, of the ſaid townſhip and county, two acres of land in the ſaid townſhip and county, part of the glebe land belonging to the ſaid ſociety, and adjoining lands of the ſaid Henry Meyer, according to the courſes and diſtances, bounds

bounds and limits, aſcertained by an accurat ſurvey thereof, and agreed upon by and be tween the ſaid Henry Meyer and the ſaid truſ tees, in conſideration of the like quantity of tw acres of land already conveyed by the ſaid Henr Meyer to the ſaid truſtees for the uſe of th ſaid ſociety, in purſuance of an agreement mad between the ſaid parties to exchange the ſai lands for their mutual accommodation and con venience.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the ſeventeenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XLVIII.

An ACT *granting unto Thomas Smith and John Smith, an iſland and bar, in the river Delaware.*

Patent to iſſue to T. & J. Smith for an iſland in the river Delaware but the claims of others not to be affected thereby.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That the ſecretary of the land-office is hereby authoriſed and directed to iſſue a patent unto Thomas Smith and John Smith, (ſons

(ſons and deviſees of Thomas Smith, of Solebury townſhip, Bucks county, yeoman, deceaſed) for an iſland and bar in the river Delaware, annexed to an act of aſſembly paſſed the twenty-fifth of September, one thouſand ſeven hundred and eighty-ſix, to the townſhip of Solebury aforeſaid, containing ten acres, with allowance, as appears by a ſurvey made by order of Thomas Mifflin, late governor of this commonwealth, (and depoſited in the ſurveyor-general's office) in conſideration of their paying to the receiver general, the ſum of eight dollars per acre, the ſame. and every part and parcel thereof is hereby granted unto them, their heirs and aſſigns forever: *Provided always*, That nothing herein contained, ſhall be deemed or conſtrued to bar or defeat any other perſon or perſons, bodies politic or corporate, of any right, title, intereſt, claim or demand, which they may now have, in, or to the ſaid iſland, or any part thereof.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-third, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER XLIX.

An ACT *to repeal ſo much of the act, entitled "A Supplement to the act, entitled "An Act "to prevent the receiving any more applications, or iſſuing any more warrants, except "in certain caſes, for lands within this commonwealth, paſſed September the twenty-ſecond, one thouſand ſeven hundred and ninety-four, as interferes with the act, entitled "An Act directing the ſale of certain iſlands in the "river Suſquehanna, paſſed the ſixth of March, "one thouſand ſeven hundred and ninety-three."*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That ſo much of the ſupplement to the act, entitled "An Act to prevent "the receiving any more applications, or iſſuing "any more warrants, except in certain caſes, for "land within this commonwealth, paſſed Sep-"tember the twenty-ſecond, one thouſand ſeven "hundred and ninety-four, as prevents or bars "the iſſuing any warrant or warrants under the "direction of the act, entitled "An Act direct-"ing the ſale of certain iſlands in the river Suſ-"quehanna, paſſed the ſixth day of March, one "thouſand ſeven hundred and ninety-three;" be, and the ſame is hereby repealed and made void.

Part of a former law repealed.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-third, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER L.

An ACT *to empower the Truſtees of the Engliſh Preſbyterian church in Allen townſhip, in the county of Northampton, to make conveyance and aſſurance of the tract or piece of land therein mentioned.*

WHEREAS, the truſtees of the Engliſh preſbyterian church, in Allen townſhip, in the county of Northampton, by their petition to the general aſſembly, have repreſented that Samuel Wilſon and Sarah his wife, by indenture, bearing date the ſecond day of March, in the year of our Lord one thouſand ſeven hundred and ſixty-one, did grant, bargain, ſell and convey unto Thomas Armſtrong, late of Allen townſhip aforeſaid, eſquire, and James Ralſton, of the ſaid townſhip, yeoman, and their heirs, for the conſideration therein mentioned, a certain tract or piece of land, ſituate in Allen townſhip aforeſaid, in the ſaid indenture deſcribed as follows, to wit: Beginning at a ſtone, a corner of James Horner's land, and thence extending by the ſame, ſouth one hundred and ſixty perches, and the ſame courſe by Hugh Wilſon's land, ſix perches, to a poſt; and thence continuing by the ſaid Hugh Wilſon's land, one hundred and ſixteen perches, to a hickory tree; thence by the ſaid Samuel Wilſon's other land, the four courſes and diſtances next following, viz. North eighty perches, to a poſt; eaſt fifty-three perches, to a ſtone; north fifty degrees eaſt twenty-ſix perches, to a poſt; and north ſixty-nine perches, to a cheſnut ſapling in a line of the ſaid James Horner's land; and thence by the ſame eaſt forty-four

four perches, to the place of beginning; containing by computation, eighty-two acres and ſixty perches of land, or thereabouts, be the ſame more or leſs, with the appurtenances: And that the ſaid Thomas Armſtrong and James Ralſton, by deed, bearing date the ſixteenth day of February, in the year of our Lord one thouſand ſeven hundred and ſixty-ſeven, recorded in the office for recording of deeds, in and for the county of Northampton, in book F. vol. 1, page 355, did declare that they held the ſaid tract or piece of land in truſt for certain contributors to the purchaſe thereof, ſpecially named in the ſaid deed, and to the intent and purpoſe that they the ſaid Thomas Armſtrong and James Ralſton, among other truſts therein declared, ſhould ſell and make a deed or deeds of conveyance of the ſame, as ſoon as, and not until a majority of the ſaid contributors, or their repreſentatives, according to a rule of repreſentation therein mentioned and preſcribed, ſhould, by an inſtrument or inſtruments of writing, ſigned by their hands, ſignify that they chooſe ſo to diſpoſe thereof: And that a majority of the ſaid contributors in the ſaid declaration of truſt mentioned, or of the repreſentatives of ſuch contributors, according to the rule of repreſentation in the ſaid declaration of truſt eſtabliſhed and appointed by an inſtrument of writing, ſigned by their hands, bearing date in the month of February, in the year of our Lord one thouſand ſeven hundred and ninety-ſeven, and recorded in the office for recording of deeds, in and for the county of Northampton, in book F. vol. 2, page 636, did teſtify and declare that the contribution aforeſaid, and purchaſe of the ſaid tract of land, was made ſolely for the uſe, benefit and behoof of the Engliſh preſbyterian church in Allen townſhip aforeſaid:

And

and inaſmuch as the ſaid church and congrega-
tion had, at the date of the ſaid inſtrument of writ-
ing, been duly incorporated and made a body po-
litic they the ſubſcribers to the ſaid inſtrument of
writing, did thereby ſignify and declare their
full and free conſent unto the truſtees of the
ſaid incorporated Engliſh preſbyterian church,
and their ſucceſſors, if they ſhould judge it ne-
ceſſary and beneficial for the ſaid church, to ſell
and diſpoſe of the ſaid premiſes, to ſuch perſon,
and for ſuch conſideration as can be obtained,
and to give good and lawful conveyances to the
purchaſer or purchaſers, in fee: *Provided al-
ways*, That the monies ariſing from ſuch ſale,
and the intereſts thereof, by the ſaid truſtees
and their ſucceſſors, be applied ſolely to and
for the uſe and benefit of the ſaid incorporated
Engliſh preſbyterian church in Allen townſhip
aforeſaid, and the divine ſervice therein to be
performed, ſo long as the aforeſaid congregation
ſhall remain in being, and in caſe of a diſſolu-
tion of the ſaid congregation, the remainder of
the principal ariſing from the ſale of the ſaid
land, which ſhall not have been applied to ſuch
uſes as aforeſaid, ſhall be divided proportionably
among the ſaid contributors or their reſpective
heirs: And whereas the ſaid truſtees of the
Engliſh preſbyterian church in Allen townſhip,
in the county of Northampton, have, by their
petition, further repreſented, that conformably
to the truſts and intention aforeſaid, and the
conſent aforeſaid of the ſaid contributors, or their
repreſentatives, and deeming it to be beneficial
for the ſaid church, they have ſold the ſaid de-
ſcribed tract or piece of land to Jacob Bear, of
Allen townſhip aforeſaid, for a full and valuable
conſideration, and are deſirous to convey the
ſame to the ſaid Jacob Bear and his heirs, in
fee-ſimple, by a good and valid conveyance, as

by their agreement with him they are bound to do; but that the ſaid James Ralſton, one of the truſtees in the ſaid firſt recited indenture named, having died in the life time of the ſaid Thomas Armſtrong, whereby the legal eſtate in the premiſes, by operation of law, ſurvived to the ſaid Thomas Armſtrong and his heirs; and the ſaid Thomas Armſtrong having ſince died in diſtant parts, and his heirs being ſo numerous and ſo widely diſperſed as that they cannot be found without great and inadequate labor and expence, it has become impracticable to convey and aſſure the legal eſtate in the ſaid deſcribed tract of land to the ſaid Jacob Bear and his heirs, without the aid of the legiſlature: And whereas the facts ſtated in the petition of the ſaid truſtees of the Engliſh preſbyterian church in Allen townſhip, in the county of Northampton, appear to be true, and it is reaſonable and proper to apply a remedy in this behalf.

The truſtees of the Engliſh preſbyterian church in Allen townſhip Northampton county empowered to convey in fee-ſimple, a piece of land to Jacob Bear.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the truſtees of the Engliſh preſbyterian church in Allen townſhip, in the county of Northampton, by deed in due form of law, under their corporate ſeal, or if they have no corporate ſeal, then under the hands and ſeals of the truſtees of the ſaid church, for the time being, reſpectively to grant, convey and aſſure unto the ſaid Jacob Bear and his heirs and aſſigns, the ſaid herein before deſcribed tract or piece of land, with the appurtenances thereunto belonging, which deed ſhall be good and available, to grant and aſſure to the ſaid Jacob Bear, his heirs and aſſigns, the ſaid tract or piece of land, in fee-ſimple, free and diſcharged of the

truſt

trust aforesaid, and all the right and title therein, which lawfully passed from the said Samuel Wilson and Sarah his wife, by virtue of the indenture first before recited.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-third, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER LI.

An ACT *to revive and continue an act, entitled "An Act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned;" and also, "An Act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and lock navigation, between the rivers Schuylkill and Susquehanna, by the waters of Tulpehoccon, Quittapahilla and Swatara, in the counties of Berks and Dauphin."*

WHEREAS, unforeseen occurrences have hitherto prevented the president and managers of the Delaware and Schuylkill canal company, and the president and managers of the

the company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, from completing the said canals within the time limited by law: And in order that such valuable improvements may be prosecuted to full effect in future,

The act to enable the Governor to incorporate a company for opening a canal & water communication between the rivers Delaware and Schuylkill, &c. revived & continued for 5 years.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An Act to enable the Governor of this commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned;" excepting such parts thereof, as empowers the president and managers to conduct the water from the streams lying between the north bounds of the city of Philadelphia, and the distance of eight miles therefrom, to supply the said city and neighborhood thereof with water, shall be, and the same is hereby revived, continued and extended, for the space of five years from and after the passing of this act, and from thence to the end of the next session of the general assembly.

Revival of the act for incorporating a company for opening a canal, &c. between Schuylkill and Susquehanna.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the act, entitled "An Act to enable the Governor of this commonwealth to incorporate a company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, by the waters of Tulpehoccon, Quittapahilla and Swatara, in the counties of Berks and Dauphin," shall be, and the same is hereby revived and extended for the space of five years from

from and after the paſſing of this act, and from thence to the end of the next ſeſſion of the general aſſembly.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-third, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LII.

An ACT *to continue certain ſuits entered in the court of common pleas, for the county of Weſtmoreland, in the name of Thomas Mifflin, late Governor, and John Nicholſon, late Comptroller-General of Pennſylvania.*

WHEREAS, three ſuits have been brought in the court of common pleas, to March term, 1797, one of them, entitled His excellency Thomas Mifflin, eſquire, Governor of the commonwealth of Pennſylvania, againſt Jacob Jennings Clerk, and Hannah his wife, late Hannah Carnahan, and John Millegan, adminiſtrators, &c. of James Carnahan, deceaſed; and another, entitled His excellency Thomas Mifflin, eſquire, Governor of the commonwealth of Pennſylvania, againſt Charles Foreman and David Vance, ſurviving obligors in a bond with William

William Perry, deceaſed; and the third, entitled John Nicholſon, eſquire, comptroller-general for the commonwealth of Pennſylvania, againſt Joſeph Thompſon and John Probſt, ſurviving obligors in a bond with William Perry, deceaſed; in which ſuits reſpectively, the death of the plaintiffs is ſuggeſted, and in each of which, judgment has been rendered for ſuch ſum as may be found due; but doubts exiſt whether the ſaid ſuits are not abated, though they are inſtituted upon official bonds in which the nominal plaintiffs have no real intereſt, and uſeleſs expence and unreaſonable delay would reſult, unleſs the ſaid doubts were removed.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the perſons intereſted in the ſaid ſuits reſpectively, to proſecute the ſame to final judgment and execution, in the names of the ſaid plaintiffs, for the uſe of the parties intereſted, on good ſurety or ſureties being entered by them in the ſaid reſpective actions, by recognizance, to abide the judgment of the court, in caſe the cauſes, or any of them, be decided in favor of the defendants.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-third, 1802:

THOMAS M'KEAN, *Governor, of the Commonwealth of Pennſylvania.*

CHAP.

CHAPTER LIII.

An ACT *to enable General John Steele and William Calhoun, to ſell and convey a certain tract of land therein mentioned.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That general John Steele and William Calhoun, or either of them, be, and they are hereby authoriſed to ſell and convey, on ſuch terms, for ſuch conſideration, and to ſuch perſon or perſons as they ſhall deem proper, juſt and right, and moſt beneficial to the inhabitants of Drumore townſhip, in the county of Lancaſter, all that certain tract or parcel of land, ſituate in the townſhip aforeſaid, containing about one hundred acres, more or leſs, and which was conveyed by Bryan Quin, by deed, dated twenty-ſixth December, one thouſand ſeven hundred and ſixty-ſeven, to Robert Long and Samuel M'Connel, then overſeers of the poor of ſaid townſhip, and their ſucceſſors in office forever, after the death of ſaid Bryan Quin; and the monies ariſing from the ſale thereof, ſhall be applied towards reimburſing the ſaid townſhip for the expence neceſſarily incurred by them in ſupporting the ſaid Bryan Quin and his children.

General Steele & Wm. Calhoun empowered to ſell and convey a tract of land in Drumore townſhip Lancaſter county, for the uſe of ſaid townſhip.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-third, 1802:
THOMAS M'KEAN, *Governor, of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER LIV.

An ACT *incorporating the Magdalen Society, in the city of Philadelphia.*

WHEREAS, a voluntary aſſociation of a number of the citizens of Philadelphia and its neighborhood, under the name and title of the Magdalen ſociety, has for ſome time exiſted in the ſaid city, for the purpoſe of meliorating the diſtreſſed condition of thoſe unhappy females, who have been ſeduced from the paths of virtue and are deſirous of returning to a life of rectitude: And whereas the members of this benevolent ſociety have by their memorial to the legiſlature, prayed to be perpetuated and brought into legal exiſtance, by being incorporated and eſtabliſhed by law, with perpetual ſucceſſion, for the purpoſe of receiving, holding and improving, in ſuch way as to them may ſeem proper, all ſuch real and perſonal eſtate as the members and other liberal and well-diſpoſed perſons may give, grant, deviſe or bequeath to them, for the purpoſes of this inſtitution: Therefore,

The Magdalen ſociety of Philadelphia incorporated with the general powers incident to a corporation.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That William White, Robert Coe, Arthur Howell, Joſeph Clark, Joſeph Budd, Jacob Shoemaker, Samuel Powell Griffiths, Benjamin Kite, Jeremiah Paul, George Williams, John Litchworth, Benjamin Price, Edward Garrigues, Samuel Garrigues, junior, Abraham M. Garrigues, Emmor Kimber, Richard Freeman, William Savery, Thomas Attmore, Samuel Smith,

Smith, John Evans, Robert Ralſton, John Inſkeep, Chriſtopher Marſhall, Charles Marſhall, Benjamin Ruſh, Joſeph Cowperthwait, James Rowland, William T. Donnaldſon, Peter Keyſer, Jeſſe Clever, Thomas Savery, William Garrigues, James Milnor, James Smith, John Clement Stocker, Robert Wharton, Philip S. Phyſick, Thomas Allibone, Benjamin Say, Aſhbel Green, John Cooke, Malcolm M'Donald, Thomas Willing, Iſaac T. Hopper, William Young, Joſeph Lowns, Levi Hollingſworth, Samuel F. Bradford, Thomas Dobſon, Iſaac Pearſon, Philip S. Bunting, Newberry Smith, Jacob Baker, Samuel Wheler, Ellis Yarnall, Gilbert Gaw, John Wiſtar, junior, Lawrence Herbert, John Davis, Joſeph Simmons, Samuel Harvey, John Perot, William Chanceller, John Hart, Caſper Wiſtar, junior, George Krebbs, William Rawle, Elias Boudenot, David Lewis, Thomas Hodgſon, Joſeph Price, John M. Price, Joſiah Baldwin, William Curree, William Penroſe, Alexander Steel, Thomas Cumpſton, John M'Mullin, Joſeph Townſend, John Townſend, William Linnard, Richard Price, Daniel Dawſon, Even Griffith, Robert Coe, junior, Joſeph Parker Norris, Robert Hare, Thomas Billington, Aaron Muſſgrave, junior, Godfrey Haga, William Poyntell, Joſeph Huddell, Robert Waln, James Bringhurſt, James Taylor, Peter Browne, James Traquair, John Wagner, James Poupard, Thomas Smith, David Jackſon, Charles Swift, Ebenezer Ferguſon, James Stokes, John T. Mifflin, Iſaac Pariſh, John Harris, Enoch Wheeler, Thomas Anſly, and their ſucceſſors for ever, be, and are hereby created and made one body politic and corporate in deed and in law, by the name, ſtyle and title of "The Magdalen Society of Phi-"ladelphia," and by the ſame name ſhall have

perpetual ſucceſſion, and are hereby made able and capable in law to have, purchaſe, receive, take, hold, poſſeſs, enjoy and retain, to them and their ſucceſſors, lands, rents, tenements, hereditaments, ſtock, goods, chattles and effects of what kind, nature or quality ſoever, whether real, perſonal, or mixed, by gift, grant, demiſe, bargain and ſale, deviſe, bequeſt, teſtament, legacy, or by any other mode of conveyance or transfer whatever: *Provided*, The yearly income ariſing from the ſame and ſubject the annual diſpoſition of the ſaid ſociety, ſhall not exceed the ſum of ten thouſand dollars, money of the United States, and the ſame to give, grant, bargain, ſell, demiſe, convey, aſſure, transfer, alien and diſpoſe of to others, for the whole or any leſs eſtate than they have in the ſame, and alſo to improve and augment the ſame in ſuch manner and form as the ſaid ſociety by their bye-laws and regulations ſhall order and direct, and ſhall and may apply the ſame, with the rents, iſſues and profits, income and intereſt of ſuch eſtate, and the monies ariſing from the ſales or alienation of any part thereof, to the uſes, ends, intents and purpoſes of their inſtitution, according to the rules, order, regulation and conſtitution of their ſociety now in force, or which, according to the proviſions hereinafter made, ſhall from time to time be declared and ordained, touching and concerning the ſame, as fully and effectually as any natural perſon or body politic and corporate within this ſtate, by the conſtitution and laws of the commonwealth can do and perform; and the ſaid ſociety, by the name, ſtyle and title aforeſaid, ſhall and may ſue and be ſued, plead and be impleaded, anſwer and be anſwered, defend and be defended, in all courts of law and equity within

within this commonwealth or elſewhere; and alſo to make, have and uſe a common ſeal, and the ſame to break, alter and renew at their pleaſure; and alſo to ordain, eſtabliſh, change and put in execution ſuch bye-laws, ordinances and regulations, as ſhall to them or a majority of ſuch quorum of them (as has already or ſhall hereafter be directed) ſeem meet and convenient for the government of the ſaid corporation, not being contrary to the conſtitution and laws of this commonwealth, and generally to do and execute all and ſingularly acts, matters and things which to the ſaid corporation ſhall or may appertain, ſubject nevertheleſs to the rules, regulations, reſtrictions, limitations and proviſions herein preſcribed and declared.

Sec. 2. *And be it further enacted by the authoriſed aforeſaid*, That the officers of the ſaid ſociety ſhall conſiſt of a preſident, a vice-preſident, a treaſurer, and a ſecretary, with ſuch other officers as the ſaid ſociety ſhall from time to time hereafter elect and appoint; which preſident, vice-preſident, treaſurer, and ſecretary, ſhall be choſen annually, by a majority of votes of the whole number of members who ſhall be preſent at the ſtated meeting of the ſociety for that purpoſe, agreeably to the conſtitution thereof; but in caſe of the removal, death, reſignation or abſence from the United States of any or all of the ſaid officers, it ſhall and may be lawful for the ſaid ſociety to elect another or others in his or their room, to ſerve until the next annual election.

The officers of the corporation and how to be elected.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That the firſt election of officers of the ſaid ſociety ſhall be at their ſtated meeting

Place and time of holding the firſt election for officers.

meeting in the ſecond month next, commonly called February; and the ſaid ſociety ſhall and may hold their future meetings and elections at ſuch place as ſhall be directed by their bye-laws and ordinances.

Until an election, the preſent officers continued and this act to be conſtrued in the moſt favourable manner for the ſociety, &c.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That until the election of officers as aforeſaid, purſuant to this act, the preſent officers of the ſaid ſociety, viz. William White, preſident; Elias Boudinot, vice-preſident; John Evans, treaſurer, and Samuel Harvey, ſecretary, ſhall be, and are hereby continued and confirmed; and alſo that this act ſhall in all things be conſtrued in the moſt favorable and liberal manner to and for the ſaid ſociety, in order to effectuate the privileges hereby granted to them, and that no miſnomer of ſaid corporation in any deed, will, teſtament, gift, grant, deviſe, or other inſtrument of contract or conveyance, ſhall vitiate or defeat the ſame, if the ſaid corporation ſhall be ſufficiently deſcribed to aſcertain the intent of the party or parties, to give, deviſe, bequeath or aſſure to or contract with the ſaid corporation hereby created by the name aforeſaid; nor ſhall any of the non-uſes of the ſaid privileges hereby granted, create any forfeiture of the ſame, but the ſame may be exerciſed by the ſaid corporation; and notwithſtanding any failure to meet at any of the times appointed herein or by the bye-laws and ordinances of the ſaid ſociety, to hold their annual or other meetings for elections or other ſubjects for conſideration, the officers then in office ſhall continue to hold and exerciſe their reſpective offices until others ſhall be duly elected to ſucceed them at ſome then future meeting of the ſaid ſociety, which the ſaid corporation

tion is hereby empowered to hold for ſuch purpoſe.

ISAAC WEAVER, *junior*, *Speaker*
of the Houſe of Repreſentatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—March the twenty-third, 1802:
THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennſylvania.

CHAPTER LV.

An ACT *to erect Allegheny townſhip, in the county of Armſtrong, into an election diſtrict.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the electors reſiding within the townſhip of Allegheny, in Armſtrong county, ſhall hold their elections at the houſe of George Painter, miller, near the mouth of Cherry-run, in ſaid townſhip.

Allegheny townſhip in Armſtrong county erected into an election diſtrict.

ISAAC WEAVER, *junior*, *Speaker*
of the Houſe of Repreſentatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—March the twenty-ninth, 1802:
THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennſylvania.

CHAP-

CHAPTER LVI.

An ACT *authoriſing the Comptroller and Re giſter-Generals, to receive certain evidence of State debt due to individuals, in diſcharg of the ſureties of the former Comptroller-Ge neral, John Nicholſon.*

WHEREAS, it hath been repreſented to th legiſlature, by the repreſentatives o David Jackſon and Barnabas Binney, deceaſed that certain certificates, being evidences of ſtat debt, due to individuals, were obtained by th ſaid David Jackſon, from John Nicholſon, th former comptroller-general, whoſe ſureties fo the performance of his official duties, they th ſaid David Jackſon and Barnabas Binney ha been: And whereas the repreſentatives of th ſaid David Jackſon and Barnabas Binney, ar willing to give up the ſaid certificates, provide they ſhall be exonerated from the obligation given to the ſtate by the ſaid David Jackſon an Barnabas Binney, as ſureties for the ſaid Joh Nicholſon: And whereas it is deemed expedi ent that the offer aforeſaid ſhould be embraced b the legiſlature: Therefore,

The comptroller & regiſter-generals empowered to receive certain certificates from the repreſentatives of D. Jackſon & B. Binney, deceaſed.

Section 1. *Be it enacted by the Senate an Houſe of Repreſentatives of the Commonwealth o Pennſylvania, in General Aſſembly met, and it i hereby enacted by the authority of the ſame*, Tha the comptroller and regiſter-generals, be, an they are hereby authoriſed to receive fron the repreſentatives of David Jackſon and Bar nabas Binney, deceaſed, certain certificates o evidences of ſtate debt, due to individuals amounting

amounting, including intereſt thereon, to thirty-ſeven thouſand ſeven hundred and fourteen dollars and ſixty-one cents, and the Governor, on being certified thereof, ſhall cauſe certain bonds or obligations entered into by David Jackſon and Barnabas Binney, as ſureties for the ſaid John Nicholſon, for the faithful performance of his official duties, to be cancelled. *Provided always*, That this act ſhall not be of any force or effect unleſs it ſhall appear that the ſaid certificates are the private property of the ſaid John Nicholſon, and that the ſame have not already been paid and redeemed by this ſtate.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LVII.

An ACT *for the relief of the eſtate of Sarah Caldwell.*

WHEREAS, in and by a certain act of aſſembly, paſſed the fourth day of October, one thouſand ſeven hundred and eighty-eight, entitled "An Act for the relief of Sarah "Caldwell," it is recited, That it appeared that

that the ſaid Sarah Caldwell was the holder of certain certificates iſſued from the office of the comptroller-general, of Pennſylvania, agreeably to the act of the general aſſembly, paſſed the firſt day of March, one thouſand ſeven hundred and eighty-ſix: And whereas it is further recited in and by the ſaid act, That ſhe the ſaid Sarah Caldwell loſt the ſaid certificates, and that it was probable they had totally periſhed: And whereas it was amongſt other things provided in and by the ſaid recited act, that the intereſt accrued and to accrue on the aforeſaid certificates, ſhould be paid to the ſaid Sarah Caldwell or her legal repreſentatives, upon certain terms and conditions, which ſhe the ſaid Sarah Caldwell (now deceaſed) in her life-time complied with: And whereas in and by a certain other act of aſſembly, paſſed the thirtieth day of September, one thouſand ſeven hundred and ninety-one, it was provided, That upon ſufficient ſecurity being given to indemnify the commonwealth againſt the ſaid certificates, the comptroller-general ſhould (if required) deliver up the certificates of the United States which were received by the ſtate in exchange for the ſtate certificates mentioned in the above recited acts to the ſtate-treaſurer, who was required to ſubſcribe the ſame in the name of the commonwealth, and in truſt for the legal repreſentatives of the ſaid Sarah Caldwell, to the loan propoſed by congreſs to domeſtic creditors: And whereas the proviſions of the laſt recited act have been in all things complied with by the repreſentatives of the ſaid Sarah Caldwell: And whereas it is repreſented by Thomas Leiper, the adminiſtrator of ſaid Sarah Caldwell's eſtate, that there are debts due which cannot conveniently be paid without acquiring a transfer of the capital amount of the ſaid United States certificates:

cates: And whereas from the ſaid ſtate certificates mentioned in the act firſt recited, never having been exhibited by any perſon whatever, the commonwealth can ſuſtain no poſſible loſs in granting the prayer of the ſaid Thomas Leiper: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the ſtate-treaſurer, for the time being, ſhall, if ſo required, transfer or cauſe to be tranferred, the capital amount of the ſaid United States certificates at preſent held by him, in truſt for the repreſentatives of the ſaid Sarah Caldwell, to the ſaid Thomas Leiper, as adminiſtrator of the ſaid Sarah Caldwell's eſtate, for the uſe and benefit of the ſaid eſtate, he the ſaid Thomas Leiper indemnifying the commonwealth againſt the re-production of the certificates ſo as aforeſaid, ſaid to be loſt by the ſaid Sarah Caldwell, in ſuch manner as the Governor of this commonwealth ſhall order and direct.

The ſtate-treaſurer authoriſed to transfer the amount of certain U. S. certificates held by him in truſt for the repreſentatives of S. Caldwell, to her adminiſtrator, &c.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LVIII.

An ACT *to erect the town of Beaver, in the county of Beaver, into a borough, and for other purposes.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the town of Beaver, in the county of Beaver, shall be, and the same is hereby erected into a borough, which shall be called the borough of Beaver, and the lines of the out-lots of the reserve tract of land at the mouth of Big Beaver creek, which have been already sold, and the lines of the tract of five hundred acres of land, appropriated by this commonwealth for the use of a school or academy, in Beaver town, together with the in-lots of said town, shall be the bounds and compose the borough of Beaver.

The town of Beaver in the county of Beaver erected into a borough & its boundaries described.

Sec. 2. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough six months previously to such election, to meet at the house now occupied by Jonathan Coulter, on the first Monday in May in each year, until a court-house shall be erected, after which the elections shall be held therein, and then and there to elect, by ballot, between the hours of twelve and six o'clock in the evening, one reputable citizen residing therein, who shall be styled the burgess of the said borough, and five reputable citizens, to be a town council, and

Borough officers how to be elected.

and alſo ſhall elect as aforeſaid, a high conſtable, but previouſly to any ſuch election, the inhabitants ſhall elect three reputable citizens, one of whom ſhall preſide as judge, one act as inſpector, and the other diſcharge the duty of clerk, according to the general election law of this commonwealth, ſo far as relates to receiving and counting the votes, and ſhall be ſubject to the ſame penalties for mal-practices, as by the ſaid election laws are impoſed, and the ſaid judge, inſpector and clerk, before they enter on the duties of their reſpective offices, ſhall take an oath or affirmation, before any juſtice of the peace in the county of Beaver, to perform the ſame with fidelity, and ſhall hold ſaid elections from time to time, as occaſion may require, and receive and count the ballots, and declare the perſons having the greateſt number of votes, to be duly elected; whereupon duplicate certificates thereof ſhall be ſigned by the ſaid judge, inſpector and clerk, one of which ſhall be tranſmitted to each of the perſons elected, and the other filed among the records of the corporation, for their ſafe keeping; and in caſe of vacancy, by death, reſignation, refuſal to accept, or removal from ſaid borough, of any of ſaid officers, the burgeſs or in his abſence, or inability to act, the firſt named of the town council, ſhall iſſue his precept, directed to the high conſtable, requiring him to hold an election to fill ſuch vacancy, he giving at leaſt ten days notice, by advertiſements ſet up at four of the moſt public places in ſaid borough.

Burgeſs and town council & their ſucceſſors made a body corporate & their powers defined.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That the burgeſs and town council, duly elected as aforeſaid, and their ſucceſſors for ever, ſhall be one body politic and corporate in law, by the name of "The burgeſs

" geſs and town council of the borough of Bea-
" ver, in the county of Beaver," and ſhall have perpetual ſucceſſion; and the ſaid burgeſs and town council aforeſaid, and their ſucceſſors for ever, ſhall be capable in law, to have, get, receive, hold and poſſeſs, lands, tenements, rents, liberties, juriſdictions, franchiſes and hereditaments, to them and their ſucceſſors, in fee-ſimple or otherwiſe, alſo goods, chattels and other things of what nature and kind ſoever, not exceeding the yearly value of three thouſand dollars, and alſo to give, grant, let, ſell and aſſign the ſame lands, tenements, hereditaments, rents, goods and chattels, and by the name aforeſaid, they ſhall be capable in law, to ſue and be ſued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatſoever, and to have and to uſe one common ſeal, and the ſame from time to time, at their will, to change and alter.

Penalty for refuſing or neglecting to ſerve when elected as a boroughofficer.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That if any perſon duly elected, whether the burgeſs, or a member of the town council, as aforeſaid, having been notified as before directed, ſhall refuſe or neglect to take upon himſelf the execution of the office to which he ſhall have been elected, every perſon ſo refuſing or neglecting, ſhall forfeit and pay the ſum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in purſuance of this act, or of the bye-laws and ordinances of the town council, ſhall be for the uſe of the ſaid corporation.

Qualifications of the borough officers.

Sec. 5. *And be it further enacted by the authority aforeſaid*, That the burgeſs, town council and high conſtable, and each of them, ſhall take

ike an oath or affirmation, before any juſtice f the peace of ſaid county, to ſupport the conſtitution of the United States and of this ſtate, nd well and truly to execute the duties of their eſpective offices in the borough of Beaver, beore they enter on the execution thereof, nd the certificate of ſuch oath or affirmation, hall be recorded in the books of ſaid corporaion.

Sec. 6. *And be it further enacted by the authority aforeſaid,* That it ſhall and may be lawful for the town council to meet as often as occaſion may require, and enact ſuch bye-laws, nd make ſuch rules, ordinances and regulaions, aſſeſs, apportion, and appropriate ſuch axes as ſhall be determined by a majority of the own council neceſſary to promote the peace, ood order, benefit or advantage of ſaid boough, and alſo to appoint a town clerk, and uch other officers as may be deemed neceſſary y a majority of the town council, but no bye-aw, rule or ordinance, enacted as aforeſaid, hall be repugnant to the conſtitution or laws of he United States, or of this ſtate, and no perſon ſhall be puniſhed for the breach of any bye-law or ordinance enacted for the regulation of ſaid borough of Beaver, unleſs a true copy thereof, be ſet up at three of the moſt public places in ſaid borough; and no bye-law or ordinance ſhall be carried into operation, in leſs than three weeks after ſuch publication: *Provided never-theleſs,* That no tax ſhall be laid in any one year on the valuation of taxable property, exceeding one cent in the dollar, unleſs ſome object of general utility ſhould be thought neceſſary; in ſuch caſe a majority of the taxable inhabitants of ſaid borough, by writing, under their hands ſhall certify the ſame to the town council,

Empowered to make bye-laws aſſeſs taxes, & to appoint a townclerk, &c.

Proviſo as to the amount of tax.

" geſs and town council of the borough of Bea-
" ver, in the county of Beaver," and ſhall have perpetual ſucceſſion; and the ſaid burgeſs and town council aforeſaid, and their ſucceſſors for ever, ſhall be capable in law, to have, get, receive, hold and poſſeſs, lands, tenements, rents, liberties, juriſdictions, franchiſes and hereditaments, to them and their ſucceſſors, in fee-ſimple or otherwiſe, alſo goods, chattels and other things of what nature and kind ſoever, not exceeding the yearly value of three thouſand dollars, and alſo to give, grant, let, ſell and aſſign the ſame lands, tenements, hereditaments, rents, goods and chattels, and by the name aforeſaid, they ſhall be capable in law, to ſue and be ſued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatſoever, and to have and to uſe one common ſeal, and the ſame from time to time, at their will, to change and alter.

Penalty for refuſing or neglecting to ſerve when elected as a boroughofficer.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That if any perſon duly elected, whether the burgeſs, or a member of the town council, as aforeſaid, having been notified as before directed, ſhall refuſe or neglect to take upon himſelf the execution of the office to which he ſhall have been elected, every perſon ſo refuſing or neglecting, ſhall forfeit and pay the ſum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in purſuance of this act, or of the bye-laws and ordinances of the town council, ſhall be for the uſe of the ſaid corporation.

Qualifications of the borough officers.

Sec. 5. *And be it further enacted by the authority aforeſaid*, That the burgeſs, town council and high conſtable, and each of them, ſhall take

ake an oath or affirmation, before any juſtice f the peace of ſaid county, to ſupport the con-itution of the United States and of this ſtate, d well and truly to execute the duties of their ſpective offices in the borough of Beaver, be-re they enter on the execution thereof, nd the certificate of ſuch oath or affirmation, ail be recorded in the books of ſaid corpora-on.

Sec. 6. *And be it further enacted by the au-rity aforeſaid*, That it ſhall and may be wful for the town council to meet as often as ccaſion may require, and enact ſuch bye-laws, d make ſuch rules, ordinances and regula-ons, aſſeſs, apportion, and appropriate ſuch xes as ſhall be determined by a majority of the wn council neceſſary to promote the peace, od order, benefit or advantage of ſaid bo-ough, and alſo to appoint a town clerk, and ch other officers as may be deemed neceſſary a majority of the town council, but no bye-w, rule or ordinance, enacted as aforeſaid, ſhall be repugnant to the conſtitution or laws of he United States, or of this ſtate, and no per-on ſhall be puniſhed for the breach of any bye-law or ordinance enacted for the regulation of d borough of Beaver, unleſs a true copy there-of, be ſet up at three of the moſt public places in ſaid borough; and no bye-law or ordinance ſhall be carried into operation, in leſs than three eks after ſuch publication: *Provided never-leſs*, That no tax ſhall be laid in any one year on the valuation of taxable property, exceed-ing one cent in the dollar, unleſs ſome object of neral utility ſhould be thought neceſſary; in ch caſe a majority of the taxable inhabitants of ſaid borough, by writing, under their hands ſhall certify the ſame to the town coun-cil,

Empowered to make bye-laws aſſeſs taxes, & to appoint a townclerk, &c.

Proviſo as to the amount of tax.

judgment ſhall be concluſive againſt all pa
ties.

ISAAC WEAVER, *junior, Speaker*
of the Houſe of Repreſentative

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennſylvania.

CHAPTER LIX.

A SUPPLEMENT *to an act, entitled "A*
"Act to repeal part of an act of the A
"sembly of the late Province of Pennſylva
"nia, entitled "An Act declaring the rive
"Suſquehanna and other ſtreams therein men
"tioned, public highways, for improving th
"navigation of the ſaid river and ſtreams
"and preſerving the fiſh in the ſame."

WHEREAS, the legiſlature, on the twenty
firſt day of March, one thouſand ſeve
hundred and eighty-three, repealed ſo much o
an act, entitled "An Act declaring the rive
"Suſquehanna and other ſtreams therein men
"tioned, public highways, for improving th
"navigation of the ſaid river and ſtreams, and
"preſerving the fiſh in the ſame," as declare
the Rayſtown branch of Juniata, from the
lower end or limits of John Wilt's plantation
to the town of Bedford, in the county of Bed-
ford.

ford, to be a public highway, for the purpoſe of enabling the ſaid John Wilt to erect certain water-works, which now belong to Peter Arnolt: And whereas doubts have ariſen in conſtruing the act to which this is a ſupplement: Therefore, to remedy any defect therein contained,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for Peter Arnolt, his heirs and aſſigns, and they are hereby authoriſed and empowered to erect, ſupport, and for ever maintain a mill-dam, not exceeding the height of three feet, acroſs Rayſtown branch of Juniata, abutting on his own land, in the townſhip of Colerain, in the county of Bedford, and alſo to lead off from the ſame on his own land, ſo much water of the ſaid creek, as may be found neceſſary for his water-works already erected, or that may be erected on the ſouth bank of the ſaid river: *Provided always,* That the ſaid Peter Arnolt, his heirs and aſſigns in erecting the ſaid dam, or in keeping the ſame in repair, ſhall always conſtruct the ſame with a platform or ſlope, ſo as not to injure the navigation of ſaid river, or the property of individuals, and in ſuch manner as that boats and rafts may ſafely paſs over the ſaid ſlope: *And provided always,* That the ſaid dam be ſo conſtructed as not to prevent the paſſage of fiſh up the ſaid ſtream.

Peter Arnolt authoriſed to erect a mill-dam acroſs Rayſtown branch of Juniata;

but the navigation of the river or the property of individuals not to be injured thereby.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That the ſaid Peter Arnolt, his heirs and aſſigns, ſhall for ever maintain and keep in good order, on the body of the ſaid dam, in a convenient part of the ſame, for rafts

Conditions annexed to the privilege.

to pafs over, a complete flope of twenty-five feet in breadth, extending one rod down ftream for every foot the dam fhall be raifed in height, and fhall build the dam one foot higher at each fide, to convey the water into the flope; and fhall alfo conftruct the flope one foot and an half higher at each fide thereof, to keep the water thereon, until it meets the level of the bottom of the river, for the paffage of boats and rafts as aforefaid.

How perfons aggrieved may obtain redrefs.

Sec. 3. *And be it further enacted by the authority aforefaid*, That on the complaint of any perfon or perfons, to the judges of the court of quarter feffions of the faid county, it fhall and may be lawful for the faid judges, to appoint three commiffioners to view the faid dam, and to compare it with the limitations and provifions herein fet forth and enacted, and report to them, at their next feffions, in the faid county, the ftate thereof, which report, on oath or affirmation, if it contain a ftatement of facts conftituting an offence againft this act, fhall be fufficient ground for the court to direct a bill of indictment to be fent to the grand jury, and upon profecution to conviction, the faid Peter Arnolt, his heirs or affigns, fhall be liable to pay a fine, not exceeding two hundred dollars at the difcretion of the court; and the court fhall adjudge fo much of the faid dam to be abated and altered as fhall bring the fame within the limitations and provifions of this act.

ISAAC WEAVER, *junior*, *Speaker of the Houfe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

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CHAPTER LX.

An ACT *for the relief of Iſaac Wiley and James Calhoun.*

WHEREAS, it appears that Iſaac Wiley, of Cumberland county, was wounded on the ſecond day of May, in the year of our Lord one thouſand ſeven hundred and eighty-two, while ſerving as a militia man, under the command of captain Samuel Leaman, in colonel Samuel Hunter's battalion, defending the frontier inhabitants of Northumberland county againſt the Indians: And whereas it appears that James Calhoun, now reſident in Weſtmoreland county, was in the month of May, in the year of our Lord one thouſand ſeven hundred and ſeventy-eight, wounded and taken priſoner by the Britiſh, at the Crooked Billet, while ſerving as a militia man under captain Robert M'Coy, in colonel Watt's regiment: And whereas it further appears, that the aforeſaid Iſaac Wiley and James Calhoun, in conſequence of the wounds received in defence of this ſtate, as aforeſaid, are unable to get a livelihood, and are now in very indigent circumſtances, and that neither of them have ever received any penſion from this ſtate: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the aforeſaid Iſaac Wiley and James Calhoun, be, and they are hereby allowed an annuity of forty dollars each, during the remainder of their lives reſpectively, to be paid half yearly

An annuity for life of forty dollars each, allowed to I. Wiley & J. Calhoun.

to

to them or any of their lawful attornies reſpectively, not intereſted therein, on warrants drawn by the Governor, out of any monies in the treaſury of this commonwealth.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-ninth, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXI.

An ACT *to erect a ſeparate election diſtrict in the county of Allegheny.*

A new election diſtrict eſtabliſhed in Allegheny county to be called M'Keeſport diſtrict.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the parts of Verſailles Elizabeth and Mifflin townſhips, included in the following bounds, viz. Beginning at the mouth of Turtle creek; thence up the ſame to where the ſtate-road croſſes ſaid creek; thence along ſaid road, to the line of Weſtmoreland county thence by ſaid line, to Youghiogeny river thence down the ſame to the mouth of Long run; thence a direct line, acroſs ſaid river to the mouth of Pine run, in Mifflin townſhip thence up ſaid run, including the ſouth branch of the ſame, to Matthew Calhoun's mill; thence a direct

a direct line to the mouth of Butter-milk run; and thence acroſs the Monongahela river, to the place of beginning; ſhall be a ſeparate election diſtrict, and called M'Keeſport diſtrict; and the electors thereof, ſhall hold their general elections at the houſe now occupied by Adam Johnſton, eſquire, in M'Keeſport; any law or laws to the contrary notwithſtanding.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXII.

A SUPPLEMENT *to* "*An Act for ſecuring* "*the city of Philadelphia and the neighbour-*"*hood thereof, from damage by Gun-powder;*" *and alſo, to* "*An Act for providing for the in-*"*ſpection of Gun-powder.*"

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the inſpector of gun-powder, in and for the port of Philadelphia and his ſucceſſors for the time being, ſhall be, and they are hereby authoriſed,

Duties enjoined on the inſpector of gun-powder in and for the port of Philadelphia:

authoriſed, directed and enjoined, upon the reaſonable requeſt and at the proper coſts and charges of the owner or occupier of any manufactory of gun-powder, erected, or to be erected within the county of Philadelphia, to repair to ſuch manufactory from time to time, ſo often as the ſame may be neceſſary, and there to inſpect and mark, all gun-powder which ſhall be manufactured thereat, in the manner directed by the act, entitled "An Act for providing for the inſpection of gun-powder;" and the ſaid inſpector and his ſucceſſors in office, ſhall receive for travelling expences, at the rate of ten cents for each and every mile, in going and returning from the public magazine, in the ſaid city of Philadelphia, to ſuch manufactory, beſides the fees heretofore allowed for the inſpection of gun-powder at the ſaid magazine.

additional compenſation allowed.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful, to, and for the owner or owners, of any gun-powder, which ſhall be ſo inſpected as aforeſaid, to remove and convey ſuch gun-powder immediately from ſuch manufactory to the place of exportation, or on board the ſhip or veſſel intended to export the ſame: Subject to the ſame rules, regulations and penalties, contained in the ſeveral acts of aſſembly, to which this is a ſupplement.

Owners of inſpected gun-powder authoriſed to convey to the place of exportation, ſubject to the eſtabliſhed regulations.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That no ſuperintendant or keeper of the ſaid magazine, his deputy or other perſon employed in the ſaid magazine, ſhall during the time of holding or exerciſing the ſaid office or employment, be concerned directly or indirectly, in manufacturing, buying or ſelling gun-powder, in groſs or by retail, under

Penalty if the ſuperintendant his deputy, &c. be concerned in manufacturing or ſelling gun-powder.

der the penalty of forfeiting the ſum of fifty dollars for every offence, to be recovered with coſts of ſuit, from the perſon ſo offending, as debts under twenty pounds are directed by law to be recovered; the one half thereof to the uſe of the commonwealth, and the other half to the perſon who ſhall ſue for the ſame.

Sec. 4. *And be it further enacted by the authority aforeſaid,* That the ſuperintendant or keeper of the ſaid magazine, ſhall not for the future, receive any fee or emolument for the delivery of any gun-powder; but ſhall only charge for the ſtorage of ſuch powder ſo depoſited in the ſaid magazine, any law to the contrary notwithſtanding.

The ſuperintendant in future to receive no fee for the delivery of gun-powder, but only for the ſtorage.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXIII.

An ACT *diſſolving the marriage between David M'Kiſſick and Margaret his wife.*

WHEREAS, the ſaid David M'Kiſſick was duly convicted at a court of oyer and terminer held in and for the county of Weſtmoreland, of having committed a rape, and was therefore ſentenced to undergo a confinement in the jail and penitentiary houſe of the city of Philadelphia, for the ſpace of fifteen years; and the ſaid Margaret

garet M'Kiſſick, hath prayed for a divorce from the ſaid David, who eſcaped on the way to confinement and hath not ſince been retaken or ſurrendered himſelf: And whereas, the commiſſion of a crime, ſo wicked, by a married man juſtly entitles his injured partner to a divorce and the law now exiſting has not expreſsly provided relief in the premiſes: Therefore,

The marriage of David and Margaret M'Kiſſick diſſolved.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the marriage of the ſaid David M'Kiſſick and Margaret M'Kiſſick, be, and the ſame is hereby declared to be void and annulled, to all intents, conſtructions and purpoſes whatſoever, and they are hereby reſpectively, declared to be ſeparate, ſet free, and totally diſcharged from the matrimonial contract, and from all duties and obligations ariſing therefrom, as fully, effectually and abſolutely, to all intents and purpoſes, as if they had never been joined in matrimony, or by any other contract whatſoever; any law, uſage or cuſtom, to the contrary notwithſtanding:

Proviſo in favour of children born during the coverture.

Provided always, That nothing herein contained, ſhall be conſtrued to extend to, or effect or render illegitimate, any child or children, born of the body of the ſaid Margaret during the coverture.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſecond, 1802:

THOMAS M'KEAN, *Governor, of the Commonwealth of Pennſylvania.*

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CHAPTER LXIV.

An ACT *for erecting certain election diſtricts in the counties of Northampton and Bedford.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, Lower-Saucon townſhip, in the county of Northampton, ſhall be a ſeparate election diſtrict; and the electors thereof ſhall hold their general elections at the houſe now occupied by Frederick King, in the ſaid townſhip.

Lower-Saucon townſhip in Northampton county erected into an election diſtrict.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That that part of Providence and Colerain townſhip, in Bedford county, compriſed within the lines following, viz. Beginning where the line of Hopewell townſhip, croſſeth the Warrior ridge; thence ſouth along ſaid ridge, to the houſe now occupied by Robert Culbertſon; thence ſouth acroſs the river Juniata, and up the ſame to the line of Colerain townſhip; thence along Turris mountain, to the Maryland line, ſo as to include that part of Colerain townſhip, which lies eaſt of the ſaid mountain, ſhall be a ſeparate election diſtrict; to be called the eighth diſtrict, and the electors thereof ſhall hold their general elections at the

The eighth election diſtrict eſtabliſhed in Bedford county

houſe now occupied by Daniel Davis, in the townſhip of Providence aforeſaid.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXV.

An ACT *in aid of the congregation of Bangor church, in Carnarvon townſhip, in the county of Lancaſter.*

Section 1. BE *it enacted by the Senate and Houſe of Representatives of the Commonwealth of Pennsylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for the miniſter, church-wardens and veſtry-men, of the proteſtant epiſcopal church of Bangor, Carnarvon townſhip, in the county of Lancaſter, in the commonwealth of Pennſylvania, to veſt a certain legacy of one hundred pounds, bequeathed to ſaid church by a certain Nathan Evans, late of ſaid townſhip, in ſtock of the United States or of this ſtate, or any other ſafe and productive fund that the ſaid congregation

gregation may think proper and direct, and to apply the interest arising therefrom annually, in aid of their voluntary contributions, towards the support of the officiating minister of said church for ever.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER LXVI.

An ACT *authorizing executors and administrators, in certain cases, to convey lands sold by their decedents by order of Orphans' Court.*

WHEREAS, it sometimes happens, that administrators who sell real estates of intestates, pursuant to an order of orphans' court, die before any conveyance is made; and that inconveniences have been thereby experienced by purchasers: For remedy whereof,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That in

Where an administrator sells the eſtate of his inteſtate or any part thereof, under an order of orphans' court, and dies before a deed is made, the adminiſtrator de bonis non or the executor or adminiſtrator of the firſt adminiſtrator empowered to convey to the purchaſer.

in all caſes hereafter, where a ſale ſhall be duly made according to law, by virtue of an order of orphans' court, enabling the adminiſtrator of any inteſtate, to make ſale of the real eſtate of ſuch inteſtate or any part thereof; and the adminiſtrator ſelling the ſame, under ſuch order, ſhall happen to die before a deed of conveyance is made to the purchaſer or purchaſers, it ſhall be lawful, to, and for an adminiſtrator "Of the "goods not adminiſtered on" of ſuch inteſtate when ſuch adminiſtration ſhall be granted, to and for the executor or adminiſtrator of the perſon or perſons ſo dying, to make and execute to the purchaſer or purchaſers of any ſuch eſtate, a deed or deeds of conveyance for the ſame.

Similar caſes occurring heretofore provided for.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That in all caſes where a ſale hath been heretofore duly made, in purſuance of an order of orphans' court, of the real eſtate of any inteſtate, and the execution of the neceſſary deed or deeds of conveyance, hath been prevented by the death of the party legally authoriſed to make ſale, and ſo making ſale thereof, it ſhall be lawful, to, and for an adminiſtrator "Of the goods not adminiſtered on" of ſuch inteſtate, when ſuch adminiſtration ſhall be granted for the executors or adminiſtrators of ſuch party, to make and execute to the purchaſer or purchaſers, the neceſſary deed or deeds of conveyance, for the eſtate ſo ſold as aforeſaid.

In what caſes the ſheriff of the county ſhall convey.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That in all caſes where any adminiſtrator or adminiſtrators, having ſold lands by order of orphans' court, as aforeſaid, ſhall die inteſtate, not having executed a conveyance thereof, and no perſon ſhall within three months thereafter, be appointed adminiſtrator "Of the "goods

"goods not adminiſtered on," or apply and be appointed to adminiſter the eſtate of ſuch adminiſtrator or adminiſtrators ſo dying as aforeſaid, it ſhall thereupon be the duty of the orphans' court of the proper county, on petition to be preſented by the purchaſer, ſetting forth the original proceedings, under the order of court, to direct the ſheriff of the county, for the time being, to make and execute the neceſſary deed or deeds of conveyance to ſuch petitioner.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That every deed made in purſuance of, and agreeably to the proviſions of this act, ſhall veſt the property therein deſcribed in the grantee, as fully and effectually, as if the ſame had been made by the perſon or perſons, who may hereafter ſell or heretofore have ſold, any ſuch eſtate circumſtanced as aforeſaid.

The operation of conveyances made in purſuance of this act.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXVII.

An ACT *to erect the townſhip of Brecknock and part of the townſhip of Cocalico, in the county of Lancaſter, into a ſeparate election diſtrict.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly*

The ninth election district established in Lancaster county.

sembly met, and it is hereby enacted by the au thority of the same, That the township of Breck nock and all that part of the township of Co calico, beginning at the township line, abov Michael Haag's mill; thence past said mill i Cocalico township, and down the great roa past Jacob Hagey's tavern; from thence pas Miller's tavern and Wright's tavern, to the lin of Earl township, in the county of Lancaster are hereby erected into a separate election dis strict, to be called the ninth district; and th electors thereof, shall hold their elections a the house now occupied by Jacob Stahley, i Reamstown, in the township of Cocalico, an thing in any law to the contrary notwith standing.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the second, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER LXVIII.

An ACT *to appoint new Trustees for Miffli county.*

Section 1. BE *it enacted by the Senate an House of Representatives of th Commonwealth of Pennsylvania, in General A sembl*

mbly met, and it is hereby enacted by the authority of the same, That John Bratton, Doctor Ezra Doty, George M'Clelland, Robert Sterret, Thomas Torbutt and James Banks, are hereby appointed trustees in and for the county of Mifflin; and are hereby invested with like powers and authorities in every matter and thing whatsoever, that of right belongs to any trustee or trustees, appointed for the county of Mifflin, by any act heretofore enacted.

Trustees appointed for Mifflin county.

Sec. 2. *And be it further enacted by the authority aforesaid*, That so much of the different acts of assembly, as relate to the appointment of trustees for said county of Mifflin, be, and the same are hereby repealed, annulled and made void, any thing contained in any former acts notwithstanding.

Repeal of so much of former laws as relate to the appointment of trustees for said county.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER LXIX.

An ACT *to diſſolve the marriage contract between John Kunius and Bathſheba his wife, late Bathſheba Troth.*

WHEREAS, John Kunius of Germantown, in the county of Philadelphia, by his petition to the legiſlature hath repreſented that on the twenty-fifth day of July, one thouſand eight hundred, he was lawfully joined in marriage, with Bathſheba Troth his preſent wife; that it hath ſince appeared that the ſaid Bathſheba, previouſly to any connection or acquaintance between her and the ſaid John, was got with child and was pregnant at the time of ſaid marriage; of which child the ſaid Bathſheba was delivered, on the twenty-ſecond day of September, in the ſame year; and now ſtands charged by the grand inqueſt of the commonwealth, enquiring for the county of Philadelphia, with having on the ſaid twenty-ſecond day of September, killed and murdered the ſaid infant; and that on the twenty-ſeventh day of the ſaid month of September, the ſaid Bathſheba (probably to avoid the puniſhment due to the enormity of her crime) deſerted the houſe of the ſaid John, nor hath he ſince ſeen her, neither doth he know preciſely where ſhe is; but believes her to be ſecreted ſomewhere in her native ſtate of New-Jerſey: And whereas, from ſundry documents of the ſupreme court of the commonwealth

commonwealth, dated January the second, Anno Domini, one thouſand eight hundred and two; the foregoing ſtatement of facts, hath been ſatisfactorily proved to the legiſlature; and all the judges of the ſaid court have ſpecially recommended an application for redreſs, by the ſaid John to the legiſlature, in the following words, to wit: The court are clearly of opinion, that no relief can be granted the petitioner, within the proviſions of the act of aſſembly; at the ſame time, the circumſtances of the caſe are of ſo peculiar and diſtreſſing a nature, that they conceive it a very proper occaſion, for the interpoſition of the legiſlature, and recommend the petitioner to prefer his petition for relief to the legiſlature, in order that the only relief which can conſtitutionally be granted, may be afforded: And whereas it is but juſt and reaſonable, that an injured and innocent perſon, ſhould be releaſed from all legal ties, with a perſon of ſuch depravity of mind, and ſo abandoned and deſtitute of all the ſympathetic feelings of human nature: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the marriage of the ſaid John Kunius and Bathſheba Kunius, be, and the ſame is hereby declared to be void and annulled, to all intents and purpoſes whatſoever; and they are hereby reſpectively declared to be ſeparate, ſet free, and totally diſcharged from the matrimonial contract, and from all duties and obligations ariſing therefrom, as fully, effectually and abſolutely, as if they had never been joined in matrimony; any

The marriage of John Kunius and Bathſheba Kunius, declared null and void.

law, usage or custom, to the contrary notwithstanding.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the second, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER LXX.

A FURTHER SUPPLEMENT *to the act, entitled "An Act to establish the Judicial Courts "of this Commonwealth."*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and judges of the court of common pleas, in the county of Berks, shall be authorised, and they are hereby required, to hold adjourned courts of common pleas in the said county, for trying and arguing civil causes, to continue each one week, to wit: On the first Monday in March; on the first Monday in June; and on the second Monday in December, annually.

The court of common pleas in Berks county empowered to hold adjourned courts.

Sec. 2. *And be it further enacted by the authority aforesaid,* That this act shall continue in

Limitation of it.

in force until the first day of April, Anno Domini, one thousand eight hundred and five.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER LXXI.

An ACT *to vest in the Trustees of the Roman Catholic Society of St. Mary's Church, in the city of Philadelphia, for the benefit of the Poor of said Society, such part of the estate of Peter Bonaventure d'Artois, as is declared to have escheated to the Commonwealth.*

WHEREAS, Peter Bonaventure d'Artois, late of the township of the Northern Liberties, in the county of Philadelphia, was in his life-time seized, in fee, of and in a certain messuage and lot of ground, situate in the township aforesaid, of the value of about three hundred and fifty pounds, which said messuage and lot of ground, by a nuncupative will, made in the presence of James Valliant and Peter Belsterling, he the said Peter Bonaventure d'Artois, gave and devised to the Roman catholic church, known by the name of St. Mary's church, in the city of Philadelphia, for the use

of

of the poor of the ſaid church: And whereas the ſaid property is declared to have eſcheated to the commonwealth, and in order to reſtore the part of ſaid eſtate ſo eſcheated, and remit the ſame to the truſtees aforeſaid, for the charitable uſes and intents of the ſaid deceaſed: Therefore,

The eſtate of Peter Bonaventure which eſcheated to the commonwealth, veſted in the truſtees of St. Mary's church in Philadelphia.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That all the right, title, intereſt, property, claim and demand whatſoever, which the commonwealth has in, to, and out of ſuch part of the eſtate of Peter Bonaventure d'Artois which has eſcheated to the commonwealth, ſhall be, and the ſame is hereby granted, conveyed, aſſigned, and ſet over in truſt, to John Roſſeter, Patrick Linehan, Nicholas Eſling, John Rudolph, John O'Hara, Michael Lacy, Joſeph Snyder, John Carrell, Thomas Shortall and James Ryan, truſtees of St. Mary's church, in the city of Philadelphia, and their ſucceſſors for ever, for the benefit of the poor of the ſaid ſociety, conformably to the humane intentions of the ſaid Peter Bonaventure d'Artois, as expreſſed in the nuncupative will of the deceaſed, remaining in the regiſter's office for the city and county of Philadelphia.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER LXXII.

An ACT *authoriſing the Governor to diſcharge the debt due from this Commonwealth to the Bank of Pennſylvania, and for other purpoſes.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That the Governor be, and he is hereby authoriſed to transfer ſo much of the ſix per cent. ſtock of the United States, the property of this ſtate, as will be neceſſary to diſcharge the firſt inſtalment of the loan of one hundred thouſand dollars, which will be due on the thirteenth day of April next, to the bank of Pennſylvania, together with the intereſt thereon, and alſo ſo much of the ſaid ſtock as will be required to diſcharge the remaining inſtalment of the ſaid loan, though it ſhall not be due; provided ſuch transfer be made at not leſs than at the rate of one dollar for every dollar of ſuch ſtock which remains unredeemed.

The Governor empowered to transfer ſix per cent. ſtock of the U. S. the property of this ſtate, in payment of the loan of 100,000 dollars heretofore obtained of the bank of Pennſylvania, but at not leſs than par.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the preſident, directors and company of the bank of Pennſylvania, be, and they are hereby authoriſed to accept the transfer of the ſaid ſtock, in diſcharge of the reſpective inſtalments of the ſaid loan, or either of them, if they ſhall conſider it conſiſtent with the intereſt of the inſtitution, any thing in the act incorporating the ſaid bank, to the contrary notwithſtanding.

The bank empowered to accept the transfer of ſaid ſtock.

Sec. 3.

Authoriſed to purchaſe and ſell again, ſtock of the U. S. but amount thereof not to exceed 100000 excluſive of what they now hold.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That the ſaid preſident, directors and company, be, and they are hereby authoriſed to purchaſe and ſell again, any ſtock of the United States which they may believe moſt beneficial to the ſaid bank, provided the amount of ſuch ſtock ſhall not at any one time exceed one hundred thouſand dollars, excluſive of the ſtock now held by them, any thing in the act incorporating the ſaid company, to the contrary notwithſtanding.

In caſe the transfer of ſaid ſtock is not accepted, the Governor empowered to negotiate an extenſion of the time of payment of the firſt inſtalment of the loan.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That if the ſaid preſident, directors and company, ſhould not agree to accept the transfer of the ſaid ſtock, at the rate aforeſaid, in diſcharge of ſaid loan, the Governor is hereby authoriſed to negotiate with the ſaid preſident and directors, an extenſion of the time of payment of the firſt inſtalment of ſaid loan for the term of two years: *Provided*, That nothing herein contained, ſhall be ſo conſtrued as to prevent the commonwealth from diſcharging the ſaid inſtalment at any time previous to the expiration of the ſaid two years.

ISAAC WEAVER, *junior*, *Speaker*
of the Houſe of Repreſentatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—April the ſecond, 1802:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennſylvania.

CHAP.

CHAPTER LXXIII.

An ACT *to provide for the election of Representatives of the People of this State, in the Congress of the United States.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of electing representatives of the people of this commonwealth, to serve in the house of representatives in the congress of the United States, this state shall be divided into eleven districts, as follow: The city of Philadelphia, and the counties of Philadelphia and Delaware, shall be a district, and shall elect three members; the counties of Bucks, Montgomery, Northampton, Wayne and Luzerne, shall be a district, and shall elect three members; the counties of Chester, Berks and Lancaster, shall be a district, and shall elect three members; the counties of Dauphin, Cumberland, Mifflin and Huntingdon, shall be a district, and shall elect two members; the counties of Northumberland, Lycoming and Centre, shall be a district, and shall elect one member; the counties of York and Adams shall be a district, and shall elect one member; the counties of Franklin and Bedford shall be a district, and shall elect one member; the counties of Westmoreland, Somerset and Armstrong, shall be a district, and shall elect one member; the counties of Fayette and Greene shall be a district, and shall elect one member; the county of Washington shall be a district, and shall elect one member; the counties

The state divided into districts for the purpose of choosing members of congress and the number each district is to elect.

ties of Allegheny, Beaver, Butler, Crawford, Mercer, Venango, Warren and Erie, ſhall be a diſtrict, and ſhall elect one member.

When & where ſuch elections ſhall be held and how conducted.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the election of repreſentatives, agreeably to the conſtitution of the United States and the direction of this act, ſhall be held by the citizens of this ſtate qualified to vote for members of aſſembly, on the ſecond Tueſday of October next, and on the ſecond Tueſday of October, every ſecond year thereafter, until an enumeration of the inhabitants of the United States ſhall be taken, agreeably to the conſtitution and laws of the ſaid United States, at the ſame places reſpectively, in the ſame manner, and under the care and regulation of the ſame officers as is provided in and by the ſeveral acts of aſſembly for the regulation of the general elections of this ſtate, of which elections public notice ſhall be given by the ſheriffs of the ſeveral counties, at leaſt thirty days before the ſaid election.

Neglect or abuſe of this act how puniſhed.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That every perſon who ſhall be guilty of any neglect or abuſe of this act, or of any of the ſaid acts of aſſembly, for the regulation of elections, at any election to be held in purſuance of this act, ſhall be proſecuted and puniſhed in the ſame manner as if he had been guilty of the like neglect or abuſe in the election of members of the legiſlature of this ſtate.

How returns of the elections are to be made in Philadelphia and thoſe

Sec. 4. *And be it further enacted by the authority aforeſaid*, That the judges of the election in the city of Philadelphia, and in each county erected into a ſeparate diſtrict, after having formed the return of the whole election

in

in the ſaid city and counties reſpectively, in ſuch manner as is by law directed, ſhall within ſix days cauſe ſaid returns to be delivered to the ſheriff of the ſaid city and counties reſpectively, and ſhall alſo cauſe a duplicate thereof, ſigned and ſealed in the ſame manner, to be depoſited in the office of the prothonotaries of ſaid city and counties reſpectively.

counties conſtituting each a ſeparate diſtrict.

Sec. 5. *And be it further enacted by the authority aforeſaid*, That the judges of the elections of each of the following counties, after having formed the returns of the whole election in their counties reſpectively, in ſuch manner as is by law directed, ſhall ſend the ſame by one or more of their number, to the place hereafter mentioned, within the diſtrict of which ſuch county is a part, when the judges ſo met, ſhall compare and caſt up the ſeveral returns, and ſhall execute, under their hands and ſeals, one general and true return of the whole diſtrict, that is to ſay, the judges of the diſtrict compoſed of the city and county of Philadelphia and the county of Delaware, ſhall meet at the county court-houſe in the city of Philadelphia; the judges of the diſtrict compoſed of the counties of Bucks, Montgomery, Northampton, Wayne and Luzerne, ſhall meet at the houſe now occupied by John Leonard, inn-keeper, in the town of Bethlehem, in the county of Northampton; the judges of the diſtrict compoſed of the counties of Cheſter, Berks and Lancaſter, ſhall meet at the houſe now occupied by Everet M'Clees, inn-keeper, in Morgan's town, in the county of Berks; the judges of the diſtrict compoſed of the counties of Dauphin, Cumberland, Mifflin and Huntingdon, ſhall meet at the houſe now occupied by William Sterret, in Mifflin town, in the county of Mifflin; the judges of

And how, where there are more counties than one to a diſtrict.

the diſtrict compoſed of the counties of Northumberland, Lycoming and Centre, ſhall meet at the houſe now occupied by Andrew Albright, in Lewiſburgh, in the county of Northumberland; the judges of the diſtrict compoſed of the counties of York and Adams, ſhall meet at the houſe now occupied by Peter Eſkes, in Abbot's town, in the county of Adams; the judges of the diſtrict compoſed of the counties of Franklin and Bedford, ſhall meet at the houſe now occupied by Jacob Four, in M'Connelſburg, in the county of Bedford; the judges of the diſtrict compoſed of the counties of Weſtmoreland, Somerſet and Armſtrong, ſhall meet at the houſe of George Keltz, in Ligonia valley, in the county of Weſtmoreland; the judges of the diſtrict compoſed of the counties of Fayette and Greene, ſhall meet at the houſe now occupied by Thomas Clare, in Fayette county; the judges of the diſtrict compoſed of the counties of Alleghany, Beaver, Butler, Crawford, Mercer, Venango, Warren and Erie, ſhall meet at the houſe now occupied by Adam Funk, in the county of Butler, on the third Tueſday of October next, and on the third Tueſday of October biennially thereafter, during the continuance of this act, and within the ſpace of ten days after the ſaid election, the judges of each reſpective diſtrict, ſo convened, ſhall cauſe the ſaid general return to be delivered to the ſheriff of the county in which they ſhall be thus convened, and ſhall alſo cauſe a duplicate thereof, ſigned and ſealed in the ſame manner, to be depoſited in the office of the prothonotary of ſuch county.

The ſheriff within 30 days the elec-

Sec. 6. *And be it further enacted by the authority aforeſaid*, That ſuch ſheriff, having received the ſaid return, ſhall within thirty days after

after ſaid election, deliver or ſafely tranſmit the ſame to the Governor, who ſhall thereupon declare, by proclamation, the name of the perſon or perſons to him returned as duly elected in each reſpective diſtrict, and ſhall thereafter, as ſoon as conveniently may be, tranſmit the returns ſo to him made, to the houſe of repreſentatives in the congreſs of the United States.

tion to deliver the return to the Governor, who is to make proclamation of the names of the perſons elected, &c.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXXIV.

An ACT *to complete the benevolent intention of the Legiſlature of this Commonwealth, by diſtributing the Donation Lands to all who are entitled thereto.*

WHEREAS, ſome of the late officers and ſoldiers belonging to the Pennſylvania line, in the revolutionary war, have not received their donation lands: And whereas it hath been repreſented, that amongſt the lots in the tenth donation diſtrict, which the owners have releaſed as being in the ſtate of New-York, and for which they have received other lots in lieu thereof, many are ſtill in Pennſylvania, and alſo that

that a number of lots may yet be found within the bounds of the donation ſurveys, not numbered or returned as donation lots, nor otherwiſe appropriated: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That it ſhall be the duty of the land-officers to aſcertain the number of donation lots returned of each deſcription, which yet remains undrawn and not otherwiſe appropriated, or which having been drawn, have not been applied for in the time preſcribed by law, and cauſe numbers correſponding with each lot of the ſeveral deſcriptions, according to the quantity of land allowed to each grade of officers, non-commiſſioned officers and privates, to be made on ſeparate pieces of paper, as nearly of the ſame ſize as may be, which pieces of paper ſhall be put carefully into ſmall boxes, equal to the number of different grades which may be yet unſupplied, and on application of each perſon for their reſpective donation, the ſaid land-officers, after being ſatisfied with the juſtice of his or her claim, ſhall cauſe the box containing the tickets repreſenting the quantity of land to which ſuch applicant may be entitled, to be ſhook, ſo as to mix the ſaid tickets or pieces of paper, and ſhall draw, or cauſe to be drawn therefrom, one or more of the numbers ſo depoſited, as may be neceſſary to complete the quantity which ſuch applicant may be entitled to; and in like manner to proceed on each and every application, the perſon firſt applying, to be entitled to the firſt draft, and immediately after drawing, to proceed to iſſue a patent or patents

The land-officers to aſcertain the number of undrawn and unappropriated donation lots;

How they are to proceed in ſatisfying the claims of applicants entitled to donation lands.

patents for the reſpective lots ſo drawn, free of all expence except the enrolling fees: *Provided always*, That no lot to be drawn or patent to be iſſued in purſuance of this act, ſhall interfere with or defeat any prior title which may have been acquired under the authority of any former law of this commonwealth.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the ſurveyor-general be, and he is hereby authoriſed to direct a ſurvey to be made at the expence of the ſtate, in ſuch manner as to aſcertain with accuracy, all lots within the tenth donation diſtrict, which have been reported as having fallen into the ſtate of New-York, and as ſuch releaſed, and which may ſtill be within the ſtate of Pennſylvania, or in the triangle purchaſed from congreſs, alſo to procure returns of all other lots which are included within the general drafts of any of the donation diſtricts, and which are not otherwiſe appropriated, and alſo to divide large into ſmaller lots, which ſaid releaſed lots, or other lots, as ſoon as the ſurveys of them are made and returned, ſhall be made uſe of to ſupply the boxes mentioned in the foregoing ſection with a ſufficient number of tickets to carry the deſign of this act completely into effect.

The ſurveyor-general to cauſe a ſurvey to be made ſo as to aſcertain the lots that may ſtill be within this commonwealth, which were reported to have fallen into the ſtate of New-York, &c.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That the board of property be, and they are hereby authoriſed to exerciſe the ſame powers relative to donation lands, which they are by law authoriſed to exerciſe in caſes reſpecting other land within this commonwealth; and in all caſes of difficulty or diſpute between applicants under this law, and on the validity and propriety of the claim of each and

The board of property authoriſed to exerciſe the ſame powers relative to donation lands as in other caſes.

and every applicant, they are authoriſed to make the neceſſary enquiry, and decide.

The Secretary of the commonwealth to deliver all books and other documents in his poſſeſſion relative to donation lands, to the land officers.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That in order to enable the land officers, or board of property, to execute the duties impoſed upon them by this act, it ſhall be the duty of the Secretary of the commonwealth, to deliver to the ſecretary of the land-office and ſurveyor general, all books, papers, drafts or documents now in his office, relative to donation lands, returns of ſurvey, general or connected drafts, maps or charts ſo received, to be depoſited in the ſurveyor-general's office, and all others of the ſaid papers, books or documents, to be depoſited in the office of the ſecretary of the land-office; and when the whole donations ſhall be completely effected, the general drafts to be depoſited in the rolls-office, agreeably to the directions of a former law.

The widows & heirs of deceaſed officers and ſoldiers to have the benefit of this act.

Sec. 5. *And be it further enacted by the authority aforeſaid*, That upon ſatisfactory proof being made to the board of property, by the widow, heir or heirs of any deceaſed officer or ſoldier, it ſhall be the duty of ſaid board to direct a patent or patents to iſſue in the uſual way, in favor of ſuch widow, heir or heirs, for ſuch donation lands, and on the ſame conditions as the officer or ſoldier would, if living, be entitled to.

Application not to be admitted unleſs made within

Sec. 6. *And be it further enacted by the authority aforeſaid*, That no application for donation lands ſhall hereafter be admitted; and that no patent for ſuch land, already applied for, ſhall be granted, unleſs ſuch patent is demanded

manded within one year after the paſſing of this act.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXXV.

An ACT *to ſettle the controverſies ariſing from contending claims to lands within that part of the territory of this Commonwealth, north and weſt of the rivers Ohio and Allegheny, and Conewango creek.*

WHEREAS, by the ninth ſection of an act of the general aſſembly, paſſed the third day of April, one thouſand ſeven hundred and ninety-two, entitled "An Act for the ſale of "the vacant lands within this commonwealth," it is enacted, that no warrant or ſurvey to be iſſued or made in purſuance of the ſaid act, for lands lying north and weſt of the rivers Ohio and Allegheny, and Conewango creek, ſhall veſt any title in or to the lands therein mentioned, unleſs the grantee has, prior to the date of ſuch warrant, made or cauſed to be made, or ſhall within the ſpace of two years next after the date of the ſame, make or cauſe to be made an actual

ſettlement

ſettlement thereon, by clearing, fencing and cultivating at leaſt two acres for every hundred acres contained in one ſurvey, erecting thereon a meſſuage for the habitation of man, and reſiding, or cauſing a family to reſide thereon for the ſpace of five years next following his firſt ſettlement of the ſame, if he or ſhe ſhall ſo long live; and in default of ſuch actual ſettling and reſidence, it ſhall and may be lawful to and for this commonwealth to iſſue new warrants to other actual ſettlers, for the ſaid lands, or any part thereof, reciting the original warrants, and that ſuch actual ſettlements and reſidence have not been made in purſuance thereof, and ſo as often as defaults ſhall be made for the time and in the manner aforeſaid, which new grants ſhall be under and ſubject to all and every the regulations contained in this act; provided that if any ſuch actual ſettler, or any grantee in any ſuch original or ſucceeding warrant, ſhall by force of arms of the enemies of the United States, be prevented from making ſuch actual ſettlement, or be driven therefrom, and ſhall perſiſt in his endeavors to make ſuch actual ſettlement as aforeſaid, then in either caſe, he and his heirs ſhall be entitled to have and hold the ſaid lands in the ſame manner as if the actual ſettlement had been made and continued: And whereas applications have been made and are making to the land-office for new warrants, in caſes where the applicants are of opinion that the original warrantees are barred from claiming title by their own default, in not complying with the conditions required in the ſection above recited; and although it appears from the act aforeſaid, that the commonwealth regarded a full compliance with thoſe conditions of ſettlement, improvement and reſidence, as an indiſpenſible part of the purchaſe or conſideration

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of the lands ſo granted, yet as much confuſion might ariſe if the ſtate were to continue to grant lands which in conſequence of former acts may have become the property of others: And whereas it appears on the one hand, by the repreſentations of the agents of certain companies called the Holland company and the Population company, to the legiſlature of this commonwealth, that they complain of certain lawleſs men having intruded on the lands within the claim of the ſaid companies, which claim appears to extend over the greater part of the territory of this commonwealth, ſituate north and weſt of the rivers Ohio and Allegheny, and Conewango creek, praying for the interpoſition of the legiſlature, and ſtating that the claims of the ſaid companies ariſe from warrants and patents duly applied for and fairly iſſued and granted by the officers of the land-office of this commonwealth, under the proviſions of the act aforeſaid; and on the other hand, it appears that petitions and repreſentations have alſo been made to the legiſlature of this commonwealth, by and on the part of a number of perſons calling themſelves actual ſettlers, and ſtating that they have ſettled and improved a conſiderable part of the land lying within the claims of the aforeſaid companies, in conſequence of the act aforeſaid inviting them ſo to do, that in moſt inſtances, when they began their improvements, the lands were, to the beſt of their knowledge, vacant and unoccupied, and that ſince their ſettlement they have been much harraſſed and threatened by the agents of the companies aforeſaid: And whereas it is indiſpenſibly neceſſary that the peace of that part of the ſtate ſhould be preſerved, and complete juſtice done to all parties intereſted, as ſpeedily and effectually as poſſible: And whereas it hath

been intimated to the legiſlature, that from the preſent diſtracted and agitated ſtate of the public mind between thoſe conflicting claims in that part of the ſtate, a fair and impartial trial cannot be obtained where ſo many perſons are directly or indirectly intereſted in the event of the deciſion: And whereas the companies aforeſaid, by their application to the ſupreme court of this commonwealth, for a mandamus to compel the ſecretary of the land-office to complete their titles, did endeavor to put the queſtion between them and this commonwealth fairly to iſſue before the judiciary: And whereas it is juſt and proper that the queſtions both of law and of fact, ariſing under the act aforeſaid, ſhould be fully, fairly and ſpeedily heard and decided, and the validity of all thoſe titles that have been iſſued under certain certificates of juſtices of the peace within the territory aforeſaid, known by the name of prevention certificates determined, as well for the direction of the officers of the land-office, on behalf of this commonwealth, as for ſettling the exiſting diſputes between ſuch grantees as have omitted or neglected to make the ſettlements, improvements and reſidence enjoined by the act aforeſaid, and the perſons actually in poſſeſſion of the ſame lands, and claiming under the proviſions of the ſame act: Therefore,

The judges of the ſupreme court to meet together within 3 months from the 1ſt of April and deviſe a form of

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That at ſome time and place (not exceeding three months from the firſt day of the month of April of the preſent year) as ſhall be moſt convenient to the judges of the ſupreme court of this commonwealth, or the majority of them, it ſhall be

be the duty of the said judges, and they are hereby enjoined and required to meet together and devise some method, either by means of a feigned issue or otherwise, as in their judgment shall seem best, of bringing before a court and jury, to be holden as herein after is directed, the following questions respecting the claims to land within that part of the territory of this state north and west of the rivers Ohio and Allegheny, and Conewango creek, to wit: Are warrants heretofore granted under the act of the third day of April, one thousand seven hundred and ninety-two, valid and effectual in law, against this commonwealth, so as to bar this commonwealth from granting the same land to other applicants under the act aforesaid, in cases where the warrantees have not fully and fairly complied with the conditions of settlement, improvement and residence required by the said act, at any time before the date of such warrants respectively, or within two years after? Are the titles that have issued from the land-office under the act aforesaid, whether by warrant or patent, good and effectual in law against this commonwealth or any person claiming under the act aforesaid, in cases where such titles have issued on the authority, and have been grounded upon the certificates of two justices of the peace, usually called prevention certificates, without any other evidence being given of the nature and circumstances of such prevention, whereby, as is alleged, the conditions of settlement, improvement and residence required by the said act, could not be complied with? And so soon as the said judges have devised the form in which the questions above stated, shall be brought to a hearing and decision before a court and jury as aforesaid, they shall transmit the same to the Governor of this commonwealth, whose

action for trying and determining certain proposed questions relative to disputedt titles to lands N. & W. of the Ohio, Allegheny and Conewango creek,

and transmit the same to the Governor, &c.

whoſe duty it ſhall be, with the aſſiſtance of t attorney-general of this commonwealth, to ca ry the ſame into effect without delay.

In what manner ſaid queſtions are to be decided.

Sec. 2. *Be it enacted by the authority afor ſaid*, That for the purpoſe of hearing and d ciding on the queſtions aforeſaid, and the fa relating thereto, a jury ſhall be ſummon according to the method to be appoint by the judges aforeſaid, conſiſting of the uſu number of diſintereſted perſons, inhabitants the counties of Northumberland or Lycomin which jury ſhall be ſummoned, impanelled ar ſworn, or affirmed, at the court-houſe at Su bury, in the ſaid county of Northumberlan at ſuch time as to the ſaid judges, or a majori of them, ſhall be moſt convenient, provided th ſame be not deferred beyond the firſt Monda in December next, at which time and place th judges of the ſupreme court aforeſaid, or th majority of them, ſhall meet for the purpoſe hearing and trying the queſtions aforeſaid, an the facts relating thereto, in conjunction wit the ſaid jury, in the uſual manner, at whic trial and hearing it ſhall be competent to th ſaid jury, under the conſtitutional direction the court, to decide upon the law and up the facts, and if they think fit, to bring in general verdict thereon; and it ſhall alſo competent to any perſon party in the cont verſy, to offer evidence of the nature and c cumſtances of the prevention certificates afo ſaid, and of the circumſtances of the coun at the time to which the ſaid certificates rel and alſo of every other fact tending to illuſtr the queſtions aforeſaid, or to induce a full veſtigation and fair deciſion thereon, which court ſhall conſider as evidence competent to offered according to the uſual rules of law.

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Sec. 3. *Be it enacted by the authority aforesaid*, That it shall be the duty of the said judges, at their meeting aforesaid, within three months from the first day of April next, to devise and direct in what manner and under what circumstances parties shall be admitted to the said suit, and what notice or notices shall be respectively given relating to the same; and they shall have power also to direct the secretary of the land-office to attend at the said trial, with such books, papers and documents as they may think fit to specify or he may deem material to be produced and consulted thereat; and it shall be the duty of the said judges to certify the verdict of the jury and the judgment of the court on the trial aforesaid, to the Governor of this commonwealth, previous to the meeting of the next legislature.

Of the admission of parties to the suit, the notice necessary to be given, &c.

Sec. 4. And in order to prevent the confusion that would arise from issuing different warrants for the same land, and to prevent law suits in future respecting grants from the land-office under the aforesaid act of April the third, one thousand seven hundred and ninety-two, *Be it enacted by the authority aforesaid*, That from and after the passing of this act, the secretary of the land-office shall not grant any new warrant for land which he has reason to believe hath been already taken up under a former warrant, but in all such cases he shall cause a duplicate copy of the application to be made, on which duplicate copy he shall write his name, with the day and year in which it was presented, and he shall file the original in his office, and deliver the copy to the party applying: *Provided always*, That on every application so to be made and filed, shall be certified on the oath or affirmation of one disinterested witness, that the

The secretary of the land-office not to grant a new warrant for lands for which warrants have already been issued; what he is to do in such cases.

the perſon making ſuch application, or in whoſe behalf ſuch application is made, is in actual poſſeſſion of the land applied for, and ſuch certificate ſhall mention alſo the time when ſuch poſſeſſion was taken, and the application ſo filed in the ſecretary's office, ſhall be entitled to the ſame force and effect, and the ſame priority in granting warrants to actual ſettlers, as though the warrants had been granted at the time when the applications were filed; and ſhould the deciſion of the court and jury, at the trial aforeſaid, be in favor of the claims of [illegible] ſettlers, the ſecretary of the land office ſhall proceed to grant the warrants, upon the purchace money being paid, according to the priority of the applications filed in his office.

The Governor empowered to appoint counſel to aſſiſt the attorney-general at ſaid trial.

Sec. 5. *Be it enacted by the authority aforeſaid*, That it ſhall be lawful for the Governor of this commonwealth to appoint not more than two counſel learned in the law, to aſſiſt the attorney-general at the ſaid trial, on the part of this commonwealth.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER LXXVI.

An ACT *to empower the Truſtees of Crawford county, to erect a ſuitable building for a Seminary of Learning in the town of Meadville.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That David Meade, James Gibſon, Roger Alden, Joſeph Stockton, Thomas R. Kennedy, Samuel Dale, junior, and Patrick M'Gill, be, and they are hereby conſtituted and appointed truſtees for a public ſeminary of learning, to be erected in the town of Meadville, in Crawford county, and that they, or a majority of them, be, and they are hereby empowered to take and receive all and every grant or grants of land, or any other eſtate, real or perſonal, which have or may be made, granted or given to them, or to the former truſtees, for the uſe of ſaid ſeminary, and to take to themſelves, in fee-ſimple, or otherwiſe, any conveyance or aſſurance, in truſt for the ſame, and to aſk, demand, and to ſue for and recover all ſuch ſum or ſums of money, as may have at any time been, or may be hereafter ſubſcribed to and for ſaid ſeminary of learning.

Truſtees of a ſeminary of learning at Meadville, appointed with powers to receive grants of real and perſonal property for the uſe thereof and to ſue for and recover the debts due to the ſame.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the ſaid truſtees, and every of them, ſhall, before they enter on the duties of their office, give bond, with two ſufficient ſureties, for the uſe of ſaid ſeminary, to the commiſſioners of the county, and their ſucceſſors,

Before entering on the duties of their office to give bond, &c.

ceſſors, in the ſum of ſix hundred dollars each, for the faithful performance of the duties enjoined on them by this act.

Empowered to purchaſe a lot, erect a houſe & employ a teacher for the uſe of ſaid ſeminary.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That the ſaid truſtees, or a majority of them, ſhall take to themſelves, in fee-ſimple, any aſſurance or conveyance of a lot or piece of ground, in truſt, for the uſe of ſaid ſeminary, and thereon ſhall erect or cauſe to be erected, a ſuitable houſe for ſuch public ſeminary, provided the expence of erecting the ſame, do not exceed the ſum of ſix hundred dollars; and ſhall employ a teacher or teachers for ſaid ſeminary, and ſhall pay him or them any ſum or ſums not exceeding the yearly intereſt ariſing from the funds of ſaid inſtitution.

To place the public monies in ſome productive fund & to exhibit their accounts annually to the grand jury.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That the ſaid truſtees ſhall, from time to time, lay out or place in ſome productive fund, ſuch ſum or ſums of money as they ſhall from time to time receive in purſuance of this act; and the ſaid truſtees ſhall, once in every year, exhibit their accounts to the grand jury of the county for their inſpection and approbation.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſecond, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP

CHAPTER LXXVII.

An ACT *to annex the townſhip of Dunbar, in Fayette county, to the fourth election diſtrict.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the townſhip of Dunbar, in the county of Fayette, ſhall be annexed to the fourth diſtrict; and the electors thereof ſhall hold their general elections at the ſchool-houſe in Connelſville.

The townſhip of Dunbar in Fayette county annexed to the fourth election diſtrict.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the fifth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXXVIII.

An ACT *authoriſing the Comptroller-General and Regiſter-General, to liquidate and ſettle certain expences incurred under the act, entitled "An "Act Supplementary to an act, entitled "An "Act to prevent intruſions on lands within the "counties of Northampton, Northumberland and "Luzerne, and for other purpoſes therein men-"tioned."*

Section 1. BE *it enacted by the Senate and Houſe of Representatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the comptroller-general and regiſter-general be, and they are hereby authoriſed to liquidate and ſettle ſuch incidental expences as were neceſſarily incurred in carrying into effect the act, entitled "An Act ſupple-"mentary to an act, entitled "An Act to pre-"vent intruſions on lands within the counties "of Northampton, Northumberland and Lu-"zerne;" paſſed February the ſixteenth, one thouſand eight hundred and one; and alſo that the comptroller and regiſter-generals ſettle and adjuſt certain accounts of the commiſſioners appointed purſuant to an act, entitled "An Act "offering compenſation to the Pennſylvania "claimants of certain lands within the ſeven-"teen townſhips in the county of Luzerne, and "for other purpoſes therein mentioned;" for expences by them neceſſarily incurred in the buſineſs of their commiſſion, and for ſuch other expences, properly vouched, as they are reaſonably entitled to, under the ſaid recited act; and that the Governor be, and he is hereby authoriſed

The accounts of the Luzerne commiſſioners to be liquidated by the comptroller and regiſter-general and a warrant to iſſue for the amount.

thoriſed to draw his warrant upon the ſtate-treaſurer, for the amount of the ſums ſo as aforeſaid liquidated and ſettled.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the fifth, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXXIX.

An ACT *to provide for the removal of the Seat of Juſtice in Wayne county, and for other purpoſes.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the ſeat of juſtice for Wayne county, ſhall be transferred from Bethany to Milford; and the courts for the county of Wayne, ſhall be held at Milford aforeſaid, for three years, and no longer: *Provided*, That John Biddis, John Brink, and others intereſted in the removal, ſhall at their own proper coſts and charges, provide ſuitable and convenient buildings for a temporary court-houſe, priſon, and office

Seat of juſtice in Wayne, county to be transferred to Milford, where courts are to be held for three years, &c.

office for the ſafe keeping of the public records of ſaid county, in the town of Milford.

Repeal of a former law.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the act, entitled "An "Act to authoriſe the removal of the ſeat of "juſtice in Wayne county, and for other pur-"poſes;" paſſed the firſt day of April, one thouſand ſeven hundred and ninety-nine, be, and the ſame is hereby ſuſpended for the term of three years, as aforeſaid.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the fifth, 1802:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXXX.

An ACT *to enlarge the March and December terms in the Supreme Court.*

The March & December terms in the ſupreme court enlarged.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the March and December terms in the ſupreme court of this commonwealth, ſhall reſpectively commence on the firſt Mondays of the ſaid months; and the term of March ſhall continue

continue three weeks; and the term of December ſhall continue four weeks; and the firſt and laſt days of the ſaid terms reſpectively, ſhall be return days thereof.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the fifth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXXXI.

An ACT *to authoriſe Marcus Hulings, to erect a toll-bridge over French creek, oppoſite Turkey-ſtreet, in the town of Franklin.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for Marcus Hulings, his heirs and aſſigns, to erect, build, maintain and ſupport a good and ſubſtantial bridge, over and acroſs French creek, oppoſite Turkey-ſtreet, in the town of Franklin, in Venango county; and the property of ſaid bridge, when built, ſhall be, and the ſame is hereby veſted in the ſaid Marcus Hulings, his heirs and aſſigns for ever; and the ſaid Marcus Hulings, his heirs and aſſigns, may demand and receive toll from travellers and

Marcus Hulings and his heirs authoriſed to build a bridge over French creek in the town of Franklin;

and demand certain ſpecified tolls.

and others, not exceeding the following rates, viz. For every coach, landau, chariot, phæton, or other pleaſurable carriage, ten cents for each horſe drawing the ſame; for every loaded waggon or cart, ten cents for each horſe drawing the ſame; and for every empty waggon or cart, eight cents for each horſe drawing the ſame; for every ſleigh or ſled, ſix cents for each horſe drawing the ſame; for a ſingle horſe and rider, ſix cents; for every horſe, four cents; for every foot paſſenger, one cent; for every head of horned cattle, two cents; for ſheep or ſwine, at the rate of ten cents for every ſcore; and all carriages which ſhall be drawn by oxen, or partly by oxen and partly by horſes, two oxen ſhall be eſtimated as equal to one horſe: *Provided always nevertheleſs*, That nothing in this act contained, ſhall extend to authoriſe the ſaid Marcus Hulings, or any other perſon, to erect a bridge in the manner in this act before mentioned, on any private property, without the conſent of the owners thereof, or to erect the ſame in ſuch manner as in any way to interfere with, injure, or obſtruct the navigation of the ſaid creek, or the paſſage over the ford acroſs the ſame near where the ſaid bridge may be erected.

Proviſo that the bridge ſhall not be erected on private property, without the owners leave, nor ſo as to injure the navigation of the creek.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That if the ſaid Marcus Hulings, his heirs and aſſigns, ſhall not proceed to carry on the ſaid work within one year after the paſſing of this act, or ſhall not within three years complete the ſame, according to the true intent and meaning of this act, or if at any time after the ſaid bridge is completed, it is ſuffered to be out of repair, ſo as to be impaſſible for horſes and waggons for the ſpace of twelve months, then and in either of thoſe caſes, all and ſingular the rights, liberties, privileges and franchiſes hereby

The time within which the bridge is to be built, limited, &c.

hereby granted to the ſaid Marcus Hulings, his heirs and aſſigns, ſhall revert to this commonwealth.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That if the ſaid Marcus Hulings, his heirs and aſſigns, ſhall neglect to keep the ſaid bridge in good and perfect order and repair, for the ſpace of five days, and information thereof ſhall be given to any juſtice of the peace of the county, ſuch juſtice ſhall iſſue his precepts, directed to any conſtable, commanding him to ſummon three judicious freeholders to meet at a certain time, in the ſaid precepts to be mentioned, at the ſaid bridge, of which ſaid meeting notice ſhall be given to the ſaid Marcus Hulings, his heirs or aſſigns; and the ſaid juſtice ſhall at ſuch time and place, by the oaths or affirmations of the ſaid freeholders, enquire whether the ſaid bridge is in good and perfect order and repair as aforeſaid, and if the ſaid bridge ſhall be found by the ſaid inquiſition not to be in good order and repair, according to the true intent and meaning of this act, he ſhall certify the ſame, and ſend a copy of the inquiſition to the ſaid Marcus Hulings, his heirs or aſſigns, and from thenceforth the ſaid tolls hereby granted, ſhall ceaſe to be demanded, paid, or collected, until the defective part or parts of the ſaid bridge ſhall be put in good and perfect order and repair as aforeſaid.

Penalty for not keeping ſaid bridge in good repair.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the fifth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER LXXXII.

An ACT *to erect Weſt-Hanover townſhip, in the county of Dauphin, into a ſeparate election diſtrict.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the townſhip of Weſt-Hanover, in the county of Dauphin, ſhall be a ſeparate election diſtrict; and the electors thereof ſhall hold their general elections at the houſe now occupied by Thomas Smith, near Green's mill, in ſaid townſhip.

Weſt-Hanover townſhip in Dauphin county erected into a ſeparate election diſtrict

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the fifth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER LXXXIII.

An ACT *to eſtabliſh the places for holding the Courts of Juſtice in the counties of Armſtrong, Butler, and Mercer.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the Governor be, and he is hereby authoriſed and required to appoint five commiſſioners, who do not reſide in the territory lying north and weſt of the rivers Ohio and Allegheny, and Conewango creek, in that part of Armſtrong county, lying eaſt of the river Allegheny, and who do not own lands within the ſaid territory, and who have no near relations reſiding within the ſaid territory, and who, to the beſt of the Governor's knowledge, are not owners of lands within the counties of Armſtrong, Butler and Mercer; which commiſſioners, or a majority of them, ſhall meet at the houſe of Thomas Ferree, in the town of Pittſburgh, on the firſt day of June next, and from thence proceed to view and determine on the moſt eligible and proper ſituations for erecting the public buildings for the ſaid counties of Armſtrong, Butler and Mercer, and make their report into the office of the Secretary of the commonwealth, on or before the firſt Monday of December next, which report ſhall by the Secretary aforeſaid, be laid before the general aſſembly of this commonwealth, on or before the ſecond Tueſday of December next: *Provided however,* That the places ſo reported, ſhall be within

The Governor empowered to appoint 5 commiſſioners to fix on places for the ſeats of juſtice in the counties of Armſtrong, Butler & Mercer who are to make report thereof.

within the limits heretofore prescribed by law for each of the said counties respectively.

The commissioners empowered to receive such proposals of land or money as may be offered for defraying the expences of erecting the public buildings, &c.

Their compensation.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the aforesaid commissioners shall have power, and it shall be their duty, to receive such proposals of land or money as may be made to them for the purpose of defraying the expence of erecting the public buildings in and for each of the said counties, and to take assurance of the same, for the benefit of the counties for whose use they are respectively made; for which services each of the said commissioners shall have and receive three dollars per diem, for every day they shall be necessarily employed in the said service, to be paid by warrants drawn by the commissioners of Allegheny county, on the treasurer of the said county; and the said commissioners of Allegheny county, are hereby authorised to demand and receive a due proportion of the said money from the county treasurers of Westmoreland and Crawford counties.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER LXXXIV.

An ACT *to provide for the diſtribution of the Laws and Journals, of the General Aſſembly of this Commonwealth.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That the printers who ſhall publiſh the laws, agreeably to a reſolution of the general aſſembly, paſſed this ſeſſion, ſhall on or before the firſt day of June annually, deliver three thouſand copies into the office of the Secretary of this commonwealth, whereupon the Governor ſhall draw his warrant on the ſtate treaſurer in favor of ſuch printer, for ſuch ſum of money as ſhall have been previouſly agreed on for the printing of ſuch laws.

The printers of the laws to deliver 3000 copies thereof into the Secretary's office on or before the 1ſt of June annually.

Sec. 2. *And be it further enacted by the authority aforeſaid,* That the Secretary of the commonwealth ſhall cauſe the ſaid copies of the laws to be diſtributed in the following manner, to wit: Thirty copies thereof to the clerk of the ſenate, for the uſe of the ſenate and the members thereof reſpectively; one hundred copies to the clerk of the houſe of repreſentatives, for the uſe of the houſe and the members thereof reſpectively; and ſhall diſtribute the reſidue in manner following: To the prothonotary of the ſupreme court ſix copies, one thereof for each of the judges, one for the attorney-general, and one for himſelf; to the Governor one, and retain one for the Secretary's own uſe; to the ſecretary of the land-office, ſurveyor-general and receiver-

How ſaid law are to be diſtributed.

receiver-general, each one copy; to the comptroller-general, regiſter-general, ſtate treaſurer, and maſter of the rolls, one copy each; to the clerk of the mayor's court of the city of Philadelphia, forty copies; to the prothonotary of the county of Philadelphia, ſixty copies; to the prothonotary of the county of Bucks, eighty-five copies; to the prothonotary of the county of Cheſter, ninety-five copies; to the prothonotary of the county of Lancaſter, ninety-five copies; to the prothonotary of the county of Northampton, ninety copies; to the prothonotary of the county of York, ſeventy copies; to the prothonotary of the county of Cumberland, ſeventy-five copies; to the prothonotary of the county of Berks, ninety-five copies, to the prothonotary of the county of Bedford, fifty copies; to the prothonotary of the county of Northumberland, one hundred copies; to the prothonotary of the counties of Weſtmoreland and Armſtrong, ninety copies; to the prothonotary of the county of Waſhington, one hundred copies; to the prothonotary of the county of Fayette, ſixty copies; to the prothonotary of the county of Franklin, ſixty copies; to the prothonotary of the county of Montgomery, eighty copies; to the prothonotary of the county of Dauphin, ſixty-five copies; to the prothonotary of the county of Luzerne, ſixty-five copies; to the prothonotary of the county of Huntingdon, ſixty copies; to the prothonotary of Allegheny, including the counties of Beaver and Butler, one hundred copies; to the prothonotary of the county of Mifflin, fifty-five copies; to the prothonotary of the county of Delaware, fifty-five copies; to the prothonotary of the county of Lycoming, ſixty copies; to the prothonotary of the county of Somerſet, forty-five copies; to the prothonotary of the county of Greene, forty-five

ty-five copies; to the prothonotary of the county of Wayne, forty copies; to the prothonotary of the county of Adams, fifty copies; to the prothonotary of the county of Centre, forty copies; and to the prothonotary of the counties of Crawford, Venango, Warren, Erie and Mercer, one hundred copies.

When the journals are to be delivered at the secretary's office, and of their distribution.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the printers of the journals of the senate and house of representatives, shall deliver the said journals into the office of the Secretary of this commonwealth, on or before the first day of June annually; and the said Secretary is hereby authorised and directed, after delivering to the clerks of the senate and house of representatives, a sufficient number of copies of the laws and journals, for the use of their respective houses and the members thereof, and also to the respective officers residing at the seat of government, to cause the remainder of the laws, agreeably to the proportion mentioned in the second section of this act, and the journals in proportion to the number of representatives each county may have in the legislature of this commonwealth, to be within one month after they have been delivered into his office, transmitted at the expence of the state, to the respective prothonotaries within the same, to be paid out of the funds appropriated for the support of government.

Of the duties of the prothonotaries of the several counties on receipt of the laws and journals.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the prothonotaries of the respective counties, on receipt of the laws and journals annually, shall as soon as may be, give notice thereof, in a newspaper printed within such county, or where there is no such paper printed within such county, by advertisements post-

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ed up in different parts of the county, purporting that the laws and journals of the laſt ſeſſion are ready to be delivered out by them, to the perſons entitled to receive the ſame, agreeably to the proviſions of this act; and the expence of publiſhing or advertiſing as aforeſaid, ſhall be paid on orders drawn by the commiſſioners on the treaſurer of ſuch county, out of the county ſtock.

How they are to diſtribute the laws and journals.

Sec. 5. *And be it further enacted by the authority aforeſaid*, That the prothonotaries of the reſpective counties ſhall diſtribute the laws and journals in the following manner and order, viz. One copy of each for himſelf and for the clerks of the different courts if the offices are divided; one to the regiſter and recorder, if ſaid offices are divided; one to the preſident and one to each of the aſſociate juſtices of the court; one to the board of commiſſioners; and one copy of each to be delivered by ſuch prothonotary, to each conſtable of the reſpective wards or townſhips for which ſuch conſtable was elected or appointed, to be by ſuch conſtable delivered into the hands of the perſon occupying the houſe where the townſhip elections for the choice of conſtables are held; and it ſhall be the duty of ſuch conſtable annually, under the penalty of five dollars for every neglect or refuſal, to procure and lodge the ſaid copies of the laws and journals at ſuch place of holding the elections as aforeſaid, which laws and journals ſhall be kept at ſuch houſe for the free inſpection of every inhabitant, at all ſeaſonable times, within ſuch ward or townſhip; and one copy of ſuch laws and journals, if any journals be left after the aforeſaid diſtribution, ſhall on application, be delivered to each juſtice of the peace, ſheriff, county commiſſioner, treaſurer, deputy-ſurveyor and bri-

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gade inſpector, and to each aſſociated library company; and the remainder, if any, ſhall be retained by ſuch prothonotary, to ſupply deficiencies in any of the aforeſaid offices: *Provided*, That the ſaid prothonotaries reſpectively, ſhall not deliver any of ſaid laws or journals without taking a receipt therefor, enjoining each officer receiving the ſame, to deliver them over to his ſucceſſor, and ſuch receipt ſhall be entered in a book by them prepared, at the expence of their reſpective counties.

The ſecretary to retain all the ſurplus copies of the laws for ſuch uſe as the legiſlature ſhall direct.

Sec. 6. *And be it further enacted by the authority aforeſaid*, That the Secretary of the commonwealth ſhall retain all the ſurplus copies of the laws, and keep them in a ſecure place, for ſuch uſe as the legiſlature ſhall from time to time direct.

Repealing clauſe.

Sec. 7. *And be it further enacted by the authority aforeſaid*, That the act, entitled "An "Act providing for the diſtribution of the jour-"nals of the ſenate and of the houſe of repre-"ſentatives of this commonwealth," paſſed the ninth day of April, one thouſand ſeven hundred and ninety-nine, and ſo much of any other act or acts of the general aſſembly, relating to the printing or diſtributing of the laws or journals of this commonwealth, as are hereby amended, altered or ſupplied, be, and the ſame are hereby repealed.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

The exiſting ſupervisors to give notice of ſuch election, and manner of conducting the ſame:

highways for the enſuing year; and it ſhall be the duty of the ſupervisors then in office, in a ſummary way, before a juſtice of the peace, under the penalty of ten dollars, to be recovered for every neglect or refuſal, ten days previous to the third Saturday in March, yearly and every year, to cauſe written or printed notices to be ſet up in at leaſt five of the moſt public places within their reſpective townſhips, mentioning the time when and the place where the ſaid election is to be held, which ſhall be opened between the hours of one and three o'clock in the afternoon, and kept open until ſix o'clock of the ſame day, except in the townſhip of the Northern-Liberties, where the ſame ſhall be kept open until eight o'clock in the evening, and two reputable citizens of the townſhip ſhall be choſen for judges of the ſaid election, who ſhall chooſe a clerk to aſſiſt them in recording and caſting up the votes; the judges ſhall declare the two higheſt in votes to be duly elected, and a certificate of the election, ſigned by the judges, ſhall by them be forthwith delivered to the ſupervisors then in office, whoſe duty it ſhall be to deliver the ſaid certificate into the office of the clerk of the court of quarter ſeſſions, on or before the twenty-fifth day of March annually, and to inform the ſupervisors ſo choſen, of their having been elected and returned, who ſhall be the ſupervisors for the enſuing year; and if any ſupervisor or ſupervisors ſo elected, or who ſhall be appointed as herein after directed, being duly notified of his election or appointment as aforeſaid, ſhall neglect or refuſe to take upon him or themſelves the ſaid office, for every ſuch neglect or refuſal, he or they ſo neglecting or refuſing, ſhall forfeit and pay any ſum, at the diſcretion of the court, not exceeding fifty dollars, to be applied

penalty for refuſing to ſerve.

they find it needful, in open court, to order and appoint ſix diſcreet and reputable freeholders, of the inhabitants near where complaint is made for want of a private or public road or highway; and it ſhall be the duty of the freeholders ſo appointed, to view the ground propoſed for the ſaid road, and if they, or any five of them, view the ſaid ground, and any four of the actual viewers agree that there is occaſion for ſuch road, they ſhall proceed to lay out the ſame, as agreeable to the deſire of the petitioners as may be, having reſpect to the beſt ground for a road, and the ſhorteſt diſtance, in ſuch a manner as to do the leaſt injury to private property; and ſhall make report thereof, ſtating particularly whether they judge the ſame neceſſary for a public or private road, together with a plot or draft thereof, and the courſes and diſtances, and references to the improvements through which it may paſs, to the next court of quarter ſeſſions, and if then and there the juſtices of the ſaid court ſhall approve of the ſame, it ſhall, at the court next after that to which the report is made, be entered on record, and thenceforth ſhall taken, deemed and allowed, as the caſe may be, to be a lawful private or public road or highway; the court ſhall direct of what breadth the road ſhall be opened, which ſhall not in any caſe exceed fifty feet.

No road to exceed 50 feet in breadth.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the citizens qualified to vote for members of the general aſſembly, ſhall on the third Saturday of the month of March next, within their reſpective townſhips, and annually thereafter, elect by ballot, two freeholders or other inhabitants, qualified as aforeſaid, who ſhall be ſuperviſors of the public roads or

Superviſors of the highway to be annually elected within the ſeveral townſhips.

The exiſting ſupervifors to give notice of ſuch election, and manner of conducting the ſame:

highways for the enſuing year; and it ſhall be the duty of the ſupervifors then in office, in a ſummary way, before a juſtice of the peace, under the penalty of ten dollars, to be recovered for every neglect or refuſal, ten days previous to the third Saturday in March, yearly and every year, to cauſe written or printed notices to be ſet up in at leaſt five of the moſt public places within their reſpective townſhips, mentioning the time when and the place where the ſaid election is to be held, which ſhall be opened between the hours of one and three o'clock in the afternoon, and kept open until ſix o'clock of the ſame day, except in the townſhip of the Northern-Liberties, where the ſame ſhall be kept open until eight o'clock in the evening, and two reputable citizens of the townſhip ſhall be choſen for judges of the ſaid election, who ſhall chooſe a clerk to aſſiſt them in recording and caſting up the votes; the judges ſhall declare the two higheſt in votes to be duly elected, and a certificate of the election, ſigned by the judges, ſhall by them be forthwith delivered to the ſupervifors then in office, whoſe duty it ſhall be to deliver the ſaid certificate into the office of the clerk of the court of quarter ſeſſions, on or before the twenty-fifth day of March annually, and to inform the ſupervifors ſo choſen, of their having been elected and returned, who ſhall be the ſupervifors for the enſuing year; and if any ſupervifor or ſupervifors ſo elected, or who ſhall be appointed as herein after directed, being duly notified of his election or appointment as aforeſaid, ſhall neglect or refuſe to take upon him or themſelves the ſaid office, for every ſuch neglect or refuſal, he or they ſo neglecting or refuſing ſhall forfeit and pay any ſum, at the diſcretion of the court, not exceeding fifty dollars, to be appli-

penalty for refuſing to ſerve.

applied towards repairing the public roads or highways within the townſhip in which ſuch ſupervisor reſides.

How temporary vacancies are to be ſupplied.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That if any ſupervisor or ſupervisors of the public roads and highways, ſo as aforeſaid choſen, ſhall refuſe, neglect, die, or remove out of the townſhip where any townſhip ſhall have no ſupervisor reſiding therein, it ſhall be the duty of the juſtices of the court of general quarter ſeſſions, to appoint a ſucceſſor or ſucceſſors to ſupply the vacancy or vacancies; and ſuch ſupervisor or ſupervisors ſo appointed, ſhall have and exerciſe the ſame powers and authorities, and be liable to the ſame penalties as the ſupervisors elected in purſuance of this act.

How the accounts of ſupervisors going out of office, are to be ſettled.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That at the election for chooſing ſupervisors for each townſhip reſpectively, the electors ſhall, and are hereby enjoined and required to elect by ballot, four capable and diſcreet freeholders or inhabitants, qualified to elect as aforeſaid, whoſe duty it ſhall be to ſettle and adjuſt the accounts of the ſupervisor or ſupervisors whoſe time of holding the office is then about to expire, and the perſon or perſons who have ſerved the office of ſupervisor or ſupervisors the preceding year, ſhall on the twenty-fifth day of March yearly, or within ten days thereafter, produce fair and clear accounts of all ſuch ſums of money by him or them expended on the highways, and of all ſums of money by him or them received by virtue of any aſſeſſment or otherwiſe, and of all fines and penalties due from themſelves and others, which have come into his or their hands, which accounts ſhall be entered in a book provided

vided for that purpoſe, and atteſted by him or them, on oath or affirmation, before a juſtice of the peace, if the freeholders, or any two of them, ſhall require the ſame; and the ſaid freeholders or inhabitants, ſo choſen to ſettle the accounts aforeſaid, or any three of them, ſhall have full power to adjuſt and ſettle ſuch accounts ſo produced to them as aforeſaid, and to allow ſuch ſums and charges as they think reaſonable, and if there ſhall appear to be any money remaining in the hands of the perſon or perſons who have ſerved as ſuperviſor or ſuperviſors as aforeſaid, they ſhall, by order in writing, ſigned by them, or any three of them, direct the ſame to be paid to the ſucceeding ſuperviſor or ſuperviſors; but in caſe ſuch perſons who ſhall have ſerved as ſuperviſor or ſuperviſors, ſhall be found to be in advance for monies expended on the public roads, and ſhall have carefully collected the ſums of money aſſeſſed and impoſed by virtue of this act, then the ſaid freeholders or inhabitants ſo choſen to ſettle the accounts as aforeſaid, or any three of them, ſhall in like manner order the ſucceeding ſuperviſor or ſuperviſors to reimburſe the ſame, as ſoon as a ſufficient ſum of money ſhall come into their hands; and if any perſon or perſons who ſhall have ſerved in the office of ſuperviſor, ſhall neglect or refuſe to make up and produce fair and juſt accounts as aforeſaid, or having made up and produced ſuch accounts, ſhall neglect or refuſe forthwith to pay the monies which he or they ſhall have been ordered to pay as aforeſaid, or ſhall not give up the books wherein an account of ſuch monies have been entered, to their ſucceſſors, it ſhall be the duty of any juſtice of the peace, on complaint to him made by the ſaid freeholders or inhabitants ſo choſen to ſettle the accounts aforeſaid, or by any three of them,

Where they are in arrear, to whom the monies in their hands are to be paid over;

and where in advance, how to be reimburſed:

mode of compelling obſtinate or negligent ſuperviſors to ſettle their accounts.

them, to commit such delinquent or delinquents to the county gaol until he or they shall comply as aforesaid, or be otherwise legally discharged.

Supervisors of the respective townships to assess and levy a tax not to exceed half a cent. in the dollar on the real value of property, &c.

Sec. 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the supervisors of public roads and highways of the respective townships in this commonwealth, to assess and levy a tax on all property, real and personal, and on all such professions, trades and occupations as are made taxable by the "Act for assessing county rates and levies," passed April the eleventh, one thousand seven hundred and ninety-nine, not exceeding half a cent in the dollar, on the real value of all such property, real and personal, and the estimation of the annual profits of all trades professions and occupations made taxable by the aforesaid act; and in assessing and levying the aforesaid tax, the supervisors shall take to their assistance the township assessor for the time being, whose duty it shall be to furnish a correct copy of the last valuation of property in said township, and to give his assistance in making the said assessment; and the amount of taxable property, trades, professions and occupations, shall be taken from the last return of taxable property made in the township for the last county tax, and apportioned on the inhabitants in proportion to the last corrected apportionment of the county taxes, put into the hands of the township collectors; and if any land or other property which might have been overlooked by, or concealed from the township assessor, in taking the return of taxable property for the assessment of county taxes, come to the knowledge of the supervisors, it shall be their duty, with the assistance of the township assessor, to tax the said property, whether real or personal, agreeable to a reasonable valuation; and it

to take to their assistance the township assessor: His duty;

how said tax is to be apportioned,

shall

and collected; shall be the duty of the supervisors, either by themselves or by a proper person duly authorised by them, to collect the said tax, and in so doing, to call for it at the usual residence or place of abode of the inhabitants, if it is not otherwise paid; and if a collector is appointed, the supervisors shall be acountable for the faithful collection of the tax: *Provided always*, That it shall be the duty of the said supervisors first to call upon the inhabitants of their respective townships, by advertisement or otherwise, who are taxed as aforesaid, to attend at such times and places as they may direct, so as to give the said taxable inhabitants a full opportunity to work out their respective taxes, but upon their neglect or refusal so to do, then the said supervisors to proceed to collect the taxes as is otherwise directed by this act.

may be worked out.

Mode of compelling the payment of the tax:

Sec. 6. *And be it further enacted by the authority aforesaid*, That if any person so taxed, shall refuse or neglect to pay the same within twenty days after being called upon therefor, it shall be the duty of the supervisor or supervisors, to obtain a warrant from any justice of the peace of the county (who is hereby authorised and required to grant such warrant) and to levy upon the goods and chattels of the person or persons so refusing; and in case such person shall not within ten days after such levy is made, pay the sum or sums on him or her assessed, together with the charges of making such levy, that then the said supervisor or supervisors may proceed to sell the goods so levied on, and out of the monies arising from such sale, to pay the tax and all costs accruing, rendering to the owner the overplus, if any shall remain: *Provided nevertheless*, That if any person or persons shall find him, her or themselves aggrieved with such assessment,

any person feeling himself aggrieved may appeal, &c.

aſſeſſment, it ſhall be lawful for the juſtices, at the court of quarter ſeſſions next after ſuch levy being made, upon the petition of the party aggrieved, to take ſuch order thereon, as to them ſhall be thought expedient, and the ſame ſhall conclude and bind all parties; and the ſupervi-ſor or ſupervifors, in caſe of ſuch appeal, ſhall forbear to make ſale of the property ſo as aforeſaid levied on, until the ſaid appeal be determined in the court of quarter ſeſſions.

Of proceedings where the tax on unſeated lands is not paid.

Sec. 7. *And be it further enacted by the authority aforeſaid*, That if the proportion of tax aſſeſſed on unſeated lands in any townſhip, or any part of it, is not paid to the ſupervifors, by or for the owners of ſaid lands, within ſix days after the ſupervifors have proceeded to collect the tax from the inhabitants, it ſhall be the duty of the ſupervifors to make out a fair tranſcript of the amount of the tax remaining unpaid and due on the ſeveral tracts of unſeated lands within their reſpective townſhips, to which tranſcript the ſupervifors ſhall ſign their names, and they ſhall deliver the ſame to the commiſſioners of the county, and on the receipt of the ſaid tranſcript, the county commiſſioners ſhall give unto the ſupervifors an order on the county treaſurer for the amount of the taxes remaining due on the unſeated lands in their townſhip, which order ſhall be paid out of the county taxes forthwith; and the county commiſſioners aforeſaid, are hereby directed and required, on the receipt of the tranſcript aforeſaid, to proceed to recover the taxes due on unſeated lands for public roads and highways, in the ſame manner, and with the ſame authority as the county taxes are or ſhall be by law directed to be recovered, and ſhall cauſe the proceeds of the ſame

ſame to be paid to the county treaſurer, to reimburſe the money paid to the ſupervisors of the roads and highways.

The tenents of non reſidents liable for the tax, but may deduct it out of their rent;

Sec. 8. *And be it further enacted by the authority aforeſaid*, That the tenant or tenants, or other perſons reſiding on lands owned by perſons not reſiding in the townſhip, his, her or their goods, ſhall be liable to be levied on in manner aforeſaid, for the payment of ſaid taxes; and where any tenant or tenants ſhall have taken, or hereafter may take a leaſe of lands or tenements for one or more years, and of which the tenant ſhall be in poſſeſſion at the time of aſſeſſing or levying the tax for public roads and highways, and ſhall pay the rate hereby impoſed on the ſaid lands or tenements ſo leaſed, in ſuch caſe it ſhall be lawful for the tenant or tenants to deduct the tax out of the rent due or to become due, or to recover the ſame from the owner or owners, by action of debt, with coſts of ſuit: *Provided however*, That nothing herein contained, ſhall be ſo conſtrued as to impair or make void any contract between landlord and tenant, reſpecting the payment of the road tax.

but contracts between landlord & tenant not to be impaired.

Of opening & repairing the highways, procuring materials, &c.

Sec. 9. *And be it further enacted by the authority aforeſaid*, That the ſupervisors of the public roads or highways of the ſeveral townſhips within this commonwealth, ſhall have power, and they are hereby enjoined and required to hire and employ a ſufficient number of hands to make, open and repair all the public roads within their reſpective townſhips, which by the court of quarter ſeſſions of the proper county, have been, or hereafter ſhall be declared public roads or highways, and to purchaſe wood and all other materials neceſſary for that purpoſe, to overſee

overſee and direct the labourers, and to take care that the ſaid roads be forthwith effectually opened, cleared and amended.

Sec. 10. *And be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful for the ſupervifors aforeſaid, or for any other perſon by order and direction of the ſupervifor or ſupervifors, to enter on any lands adjoining or lying near to the public roads and highways within their reſpective townſhips, and to cut or open ſuch drains or ditches through the ſame, as he or they ſhall judge neceſſary to carry off and drain the water from ſuch roads, provided the ſame be done with as little injury as may be to the owner of ſuch lands; which drains or ditches ſhall be kept open by the ſupervifors, if neceſſary for amending the ſaid road, and ſhall not be ſtopped or injured by the owner of the land, or by any other perſon or perſons, under the penalty of any ſum not exceeding twenty nor leſs than four dollars, for every ſuch offence, to be recovered on conviction thereof, before any juſtice of the peace of the proper county, with coſts of ſuit.

The ſupervifors may enter on lands adjoining the high-ways and cut or open drains for carrying off the water, &c.

penalty for ſtopping or injuring ſuch drains.

Sec. 11. *And be it further enacted by the authority aforeſaid*, That the ſupervifors ſhall have full power and authority to enter upon any grounds adjoining or lying near the ſaid public road or highway ſo to be opened, made or repaired within their reſpective townſhips, and to dig or cauſe to be dug, any gravel, ſand or ſtones, or to gather any looſe ſtones lying on the ſaid lands, as he or they ſhall think neceſſary for the purpoſes aforeſaid, provided that the ſame be done with as little damage as may be to the owners of ſuch lands, and the ſaid materials to carry off without let, hindrance or controul of

They may alſo enter for the purpoſe of digging gravel, &c for the uſe of the roads;

but with as little damage as may be to the owner, and to pay him for the ſame:

ſaid road paſſing through the land of the complainant.

Penalty for committing nuiſances on the highways.

Sec. 15. *And be it further enacted by the authority aforeſaid*, That if any perſon or perſons ſhall ſtop or obſtruct any of the public roads or highways laid out agreeably to law, or ſhall commit any nuiſance thereon, by felling trees, making fences, or by turning the road, or by any other way whereby the road or highway may ſuffer damage, and do not, on notice given by the ſupervisor of the proper townſhip, remove the nuiſance or repair the damage forthwith, ſuch perſon or perſons ſhall for every ſuch offence, be fined in a ſum not exceeding forty dollars, nor leſs than ten dollars, as the caſe may require, to be recovered before one of the neareſt juſtices of the peace of the proper county, and to be applied to the removing of the ſaid nuiſances, or repairing the injury or damage which the road or highway may have ſo ſuſtained, and the ſurplus (if any) to be applied to the repair of the roads in the reſpective townſhips: *Provided always*, That the ſame appeal ſhall be allowed to any perſon or perſons fined as aforeſaid, as is provided by the twelfth ſection of this act.

Roads laid out on the diviſion line of two townſhips to be kept in repair at the joint expence of both.

Sec. 16. *And be it further enacted by the authority aforeſaid*, That in caſes where any road has been laid on the line which divides two townſhips, or may hereafter be ſo laid, the ſaid road ſhall be made, amended or repaired, as the caſe may require, at the joint expence of both of the townſhips on whoſe diviſion line the road is laid; and in caſe the ſupervisor or ſupervisors of one of the ſaid townſhips ſhall neglect or refuſe to join with and aſſiſt the ſupervisor or ſupervisors of the other townſhip, in opening, amending

amending or repairing any ſuch road, ſuch ſupervisor or ſupervisors ſo neglecting or refuſing, ſhall be liable to the ſame penalties as if he or they had neglected or refuſed to open, amend or repair any public road or highway within his or their reſpective townſhip, and the ſupervisor or ſupervisors of the other townſhip, is hereby directed and required to open, amend and repair the ſaid road, and to charge the aforeſaid ſupervisor or ſupervisors ſo refuſing and neglecting, with one half of the monies expended on ſuch road, and to recover the ſame by action of debt, to be brought againſt ſuch ſupervisor or ſupervisors ſo neglecting.

Of roads leading from the public highway to the habitations of individuals.

Sec. 17. *And be it further enacted by the authority aforeſaid*, That upon application, by petition, of any perſon or perſons, to the court of quarter ſeſſions, for a road from the plantation or dwelling houſe of ſuch perſon or perſons, to or from the public highway, or to any to place of neceſſary public reſort, the aforeſaid juſtices ſhall, in open court, and not otherwiſe, order and direct a view of the place where the road is requeſted to be laid out, and a return thereof to be made in the ſame manner as is before directed in this act; and if ſuch road is found to be neceſſary, the ſaid juſtices of the court of quarter ſeſſions, ſhall further order and direct of what breadth the ſaid road ſhall be, ſo as the ſame ſhall not exceed twenty-five feet, and ſuch road ſhall be recorded by the court: *Provided however*, That the ſaid road ſhall be opened and kept in repair by and at the expence of the perſon or perſons at whoſe requeſt the ſame was granted and laid out, and of ſuch as have occaſion to travel to and from their dwelling houſes on the ſaid road; and if it ſhall happen that ſuch road ſhall be carried through any man's ground,

ground, the damage ſuſtained thereby by the owner or owners, ſhall be valued in the manner before directed in this act, and paid for by the perſon or perſons at whoſe requeſt the road was granted and laid out, and of thoſe who uſe the ſame as a common road to and from their own dwellings.

Of hanging ſwinging gates on ſuch roads as aforeſaid.

Sec. 18. *And be it further enacted by the authority aforeſaid*, That if the owners of the improved land through which any ſuch private road is laid out, or the owners of other land through which it is carried, are deſirous to hang a ſwinging gate or gates upon ſuch roads as are only granted for the uſe of one or more private families, it ſhall and may be lawful for the aforeſaid court, on application, by petition to them made, to appoint ſix perſons, in the manner herein before directed for laying out roads, to enquire and judge whether ſuch gate or gates may without much inconveniency to the perſons for whoſe uſe the road was granted, be hung on the ſame, and if the perſons appointed to view the place, or any four of them, ſhall certify to the juſtices of the court aforeſaid, that a gate or gates may be hung according to the prayer of the party, without much inconveniency to the perſon or perſons uſing the road, the juſtices ſhall order that a gate or gates may be hung thereon accordingly, and that the ſame ſhall be made and kept in repair by the owner of the ſaid land, and made eaſy for the paſſage of perſons uſing the ſaid road.

Of vacating private or public roads that may be deemed uſeleſs.

Sec. 19. *And be it further enacted by the authority aforeſaid*, That the ſeveral courts of quarter ſeſſions, in their reſpective counties, ſhall have authority, upon application, by petition to them made, to enquire of and to vacate any pri-

vate

vate or public road or highway, or any part of ſuch road or highway which they ſhall judge to be uſeleſs, inconvenient and burthenſome, and the ſaid court ſhall proceed therein by views thereof, in like manner as they are authoriſed to do, and as is uſually practiſed in laying out of public roads and highways; and the judgment of the court of quarter ſeſſions ſhall be effectual and concluſive in the premiſes, if the ſame be not appealed from within ſix months from and after the giving of ſuch judgment; the application aforeſaid ſhall be made in writing, ſigned by the perſons applying, and ſhall ſet forth in a clear and intelligible manner, the length, breadth, ſituation, and other circumſtances of ſuch road or highway, or of the part thereof which thoſe applying deſire to have laid aſide and vacated as aforeſaid, and ſuch application ſhall be audibly read twice in open ſeſſions, on the different days of the ſeſſions whereat it was made; and no other or furher proceeding ſhall be had thereon, but the ſame ſhall be adjourned till the next court of quarter ſeſſions, when the ſame ſhall again be openly and audibly read twice, on ſeveral days, before the court proceed thereon: *Provided always*, That nothing in this act ſhall be underſtood to give authority to any of the ſaid courts of quarter ſeſſions, or to the ſupreme court, to vacate any lane, ſtreet or highway within the city of Philadelphia, or within any borough, town plot, or any town or village in this ſtate, which hath been laid out by the late proprietaries, or by any other perſon or perſons, and dedicated to public uſe, nor to vacate any cart-way laid out by order of court, nor any road or paſſage claimed by any perſon as his or her private right, and which cart-way, road-way or paſſage, is not repairable at the charge of the township or diſtrict, nor to rivers or ſtreams of water.

Exception as to lanes, ſtreets, &c. within any corporate town or cart-ways that may be claimed as private rights.

Sec. 20.

Of cauſways and bridges.

Sec. 20. *And be it further enacted by the authority aforeſaid*, That it ſhall be the duty of the ſupervifors, and they are hereby enjoined and required, in making and repairing the public roads or highways, to make and maintain ſufficient cauſeways, of ſtone or timber, on marſhy or ſwampy grounds, and alſo make and maintain ſufficient bridges over all ſmall creeks and rivulets and deep gullies, where the ſame ſhall be neceſſary for the eaſe and ſafety of travellers; and where a ſmall creek, over which a bridge may be neceſſary, happens to be a boundary or diviſion line of two townſhips, the bridge ſhall be built and maintained by the ſupervifors of both townſhips reſpectively, at the equal expence of the ſaid townſhips, in the ſame manner as is directed by this act with reſpect to the making and repairing of public roads and highways which may be the diviſion line of townſhips.

Bridges over creeks that are diviſion lines, how to be repaired.

Bridges over rivers, &c. croſſing a highway to be erected at the expence of the county.

Sec. 21. *And be it further enacted by the authority aforeſaid*, That where a river, creek or rivulet, over which it is neceſſary to erect a bridge, croſſes a public road or highway, and the erecting of ſuch bridge requires more expence than it is reaſonable that one townſhip, or two adjoining townſhips ſhould bear, it ſhall be the duty of the juſtices of the court of quarter ſeſſions, and they are hereby enjoined and required, on the repreſentation of the ſupervifor or ſupervifors, or on the petition and at the requeſt of a number of the inhabitants of the reſpective townſhips, to order a view, in the ſame manner as in the caſe of laying out roads and highways; and if on the report of the ſaid view, it appears to the court, grand jury, and commiſſioners, that ſuch a bridge is neceſſary, and would be too expenſive for the townſhip or townſhips

townſhips to erect, it ſhall be entered on record, and it ſhall be the duty of the commiſſioners of the county to procure an eſtimate, as nearly as may be, of the money which will be neceſſary to erect ſuch bridge, and the commiſſioners of the county ſhall provide the ſame out of the county taxes, and proceed forthwith to have ſuch bridge erected, by contract or otherwiſe, as ſhall ſeem to them moſt expedient; and ſuch bridge, when ſo erected, ſhall be inſpected by ſix fit perſons, appointed by the juſtices of the court of quarter ſeſſions, agreeably to whoſe report it ſhall be approved or diſapproved by the court, and if approved, the money ſhall be paid agreeably to contract, or damages in favor of the county awarded, according to the judgment of the court.

Reviews of roads and bridges to be granted, but muſt be applied for within a limited time.

Sec. 22. *And be it further enacted by the authority aforeſaid*, That in all caſes wherein the court of quarter ſeſſions is authoriſed to grant a view for the purpoſe of laying out or vacating roads, or reſpecting bridges, the juſtices of the court of quarter ſeſſions are hereby authoriſed and directed, on application to them made for that purpoſe, to grant a re-view of the ſame, at the expence of the parties applying: *Provided*, That application is made therefor at the next court of quarter ſeſſions after report has been made on the firſt view.

Compenſation, of townſhip aſſeſſors, ſupervifors and road viewers.

Sec. 23. *And be it further enacted by the authority aforeſaid*, That the townſhip aſſeſſor ſhall receive from the ſupervifors, any ſum not exceeding one dollar, for every day he ſhall be neceſſarily employed in aſſeſſing the tax directed by this act, and that the ſupervifors ſhall be allowed in the ſettlement of their accounts, any

ſum not exceeding one dollar reſpectively, for every day they ſhall be neceſſarily employed in diſcharging the duties of their office, except for collecting the road tax, for which they ſhall be allowed the amount of five cents out of every dollar they ſhall ſo collect or cauſe to be collected, and no more; and the freeholders or other inhabitants who ſhall be directed to view public roads or highways, ſhall each of them, for every day they are neceſſarily employed in that ſervice, receive from the county treaſurer one dollar, on producing a certificate from the clerk of the court of quarter ſeſſions, that ſuch ſervice was performed by them; the ſurveyor ſhall be found and paid by the perſons applying for the view; and the expence of views of private roads, and of re-views of private or public roads, ſhall be wholly paid by the parties applying for the ſame.

Direction poſts to be erected where croſs roads interſect the highways.

Sec. 24. *And be it further enacted by the authority aforeſaid*, That the ſupervisors within the reſpective townſhips, ſhall cauſe poſts to be erected, where trees are not convenient, at the interſection of all public roads, with boards and an index-hand pointing to the direction of ſuch road on both ſides whereof ſhall be inſcribed, in legible characters, the name of the town, village or place to which ſuch road leads, and the diſtance thereof in computed miles; and any perſon or perſons who ſhall wilfully injure, deface or deſtroy any ſuch poſts or index-boards, the perſon or perſons ſo offending, ſhall on conviction thereof, before any juſtice of the peace of the proper county, forfeit and pay any ſum not exceeding ten dollars, one half thereof to be paid to the informer or informers, and the other half to the ſupervisors of the reſpective townſhip,

ſhips wherein the offence ſhall be committed, to be appropriated to the repairs of the roads in ſuch townſhips.

Sec. 25. *And be it further enacted by the authority aforeſaid*, That all laws heretofore enacted for the laying out, opening, making, amending or repairing of public or private roads or highways, or for the making and repairing of bridges, other than turnpike roads and ſtreets, roads, lanes, alleys and bridges, in the city of Philadelphia and other corporate towns, are hereby repealed and made void: *Provided always*, That nothing herein contained, ſhall be ſo conſtrued as to interfere with any ſpecial proviſion heretofore made by law, reſpecting the county of Philadelphia.

All former road lawsother than thoſe reſpecting turnpike roads, &c &c. repealed.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAP-

CHAPTER LXXXVI.

An ACT *to maintain the territorial rights of this State, and protect the property of perſons holding lands under the ſame.*

WHEREAS, certain perſons under the pretence of title derived either from the ſtate of Connecticut, or from certain companies known by the names of the Connecticut Suſquehanna company, and the Connecticut Delaware company, to a conſiderable extent of territory within this ſtate, have by various improper practices long endeavored to defeat the execution of the laws of this ſtate, and to defame the titles of perſons holding lands by grants from this ſtate or the late proprietaries before the revolution; in order therefore, to counteract ſuch practices, and to preſerve the juſt rights of this ſtate,

No conveyance of land within the counties of Luzerne, Lycoming and Wayne, ſhall paſs any eſtate, where the title is not derived from this ſtate or the proprietaries before the 4th of July 1776.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That from and after the firſt day of May next, no conveyance to be made of any land within the counties of Luzerne, Lycoming and Wayne, ſhall be good or effectual to paſs any right, title, eſtate, intereſt or claim whatever, either at law or in equity, unleſs the title to the land in ſuch conveyance mentioned, is derived from this ſtate, or the late proprietaries thereof, before the fourth of July, one thouſand ſeven hundred and ſeventy-ſix, and unleſs the ſaid conveyance ſhall expreſsly refer to and recite the ſubſtance of the warrant, ſurvey, patent or title under which the

ſame

ſame is ſo derived from this ſtate, or the late proprietaries thereof, before the ſaid fourth of July, one thouſand ſeven hundred and ſeventy-ſix; and if any judge or juſtice ſhall take an acknowledgment or proof of, or any recorder of deeds, or any other perſon, ſhall record any deed which ſhall not have been derived as aforeſaid, he ſhall forfeit for every offence, the ſum of two hundred dollars, which forfeiture ſhall be recoverable by action of debt, in any court of record in this ſtate, the one half thereof to the uſe of the commonwealth, and the other half thereof to the perſon who ſhall ſue for the ſame; and ſuch acknowledgment and recording, ſhall be void and of no effect; and every ſuch recorder of deeds ſo offending, ſhall forfeit his office: *Provided always*, That nothing herein contained ſhall be ſo conſtrued as to make valid any conveyance heretofore made, of any pretended title or claim to land under the colony or ſtate of Connecticut, or either of the companies known by the names of the Connecticut Suſquehanna, or the Connecticut Delaware company.

Penalty on any judge or juſtice for receiving proof of, or recorder for recording a deed of a different deſcription.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That no perſon in any manner intereſted in the ſaid pretended title or claim under the colony or ſtate of Connecticut, or either of the ſaid companies, ſhall ſit as a judge or ſerve as a juror in any cauſe, civil or criminal, wherein the ſaid pretended claim or title ſhall or may, directly or indirectly be brought to queſtion; and if any ſheriff ſhall ſummon any perſon or perſons, to ſerve as a juror or jurors, who are directly or indirectly concerned or intereſted in any Connecticut title, knowing him or them to be ſo concerned or intereſted, ſuch ſheriff on conviction thereof, ſhall be fined in any ſum not exceeding five hundred dollars,

No perſon intereſted in the Connecticut title to act as judge or juror in any cauſe where ſaid title may come in queſtion, and fine on ſheriff ſummoning any ſuch perſon as a juror.

dollars, to be recovered as other fines and fo feitures are recoverable by law.

The penalties or disabilities created by this act except so far as relates to judges, sheriffs or jurors not to extend to land or the claimants thereof within the seventeen townships of Luzerne, &c.

Sec. 3. *And be it further enacted by the au thority aforesaid*, That none of the penalti or disabilities created by the present act, excep so far as relates to judges, sheriffs or jurors shall relate to land or the claimants of land with in the Seventeen Townships of Luzerne coun ty, or any of them, so far as concerns any ac of theirs respecting lands within the said town ships, which have been or may hereafter be dul submitted according to law, under the provi sions of an act of the general assembly of thi commonwealth, passed on the fourth day o April, one thousand seven hundred and ninety nine, entitled "An Act offering compensatio "to Pennsylvania claimants of land within th "Seventeen Townships in Luzerne county, an "for other purposes therein mentioned," o any supplement thereto.

Any person selling or purchasing, or in any manner contracting for land under the Connecticut title or either of the land companies to forfeit 200 dollars.

Sec. 4. *And be it further enacted by the au thority aforesaid*, That any person who shall from and after the first day of June next, bar gain, sell or convey, or by any ways or mean obtain, get or procure any pretended right o title, or make or take any promise, contract grant or covenant, to have any right or title o any person or persons, in or to any lands, tene ments, or hereditaments within this state, unde the said pretended title from the state of Con necticut, or either of the said companies, shal forfeit the sum of two hundred dollars, whic forfeiture shall be recoverable by action of debt in any court of record in this commonwealth the one half thereof to the use of the common wealth, and the other half to the person wh shall sue for the same; and such promise, con tract,

tract, grant or covenant, is hereby declared to be utterly void and of no effect.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the Governor is hereby authorised and required to make known the contents of this law by proclamation, and to enjoin obedience thereto. Proclamation to be issued by the Governor.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER LXXXVII.

A FURTHER SUPPLEMENT *to the act, entitled "An Act offering compensation to the "Pennsylvania Claimants of certain lands "within the Seventeen Townships, in the county "of Luzerne, and for other purposes therein "mentioned," passed the fourth day of April, one thousand seven hundred and ninety-nine.*

SECTION 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority*

Who shall have the benefit of the act to which this is a supplement & on what terms.

thority of the same, That all Pennsylvania claimants, whose titles originated prior to the decree at Trenton, entitled to land within the Seventeen Townships, who shall transmit their releases, and all Connecticut claimants intended to be embraced within the provisions of the act to which this act is a supplement, claiming land within the said Seventeen Townships, who shall submit their titles to the secretary of the land-office on or before the first day of August next, shall be entitled to all the benefits of the aforesaid act.

Applications of Connecticut claimants transmitted & received at the land-office although after the time limited by law, shall be acted upon as if received within the prescribed period.

Sec. 2. *And be it further enacted by the authority aforesaid*, That all applications of Connecticut claimants, actually transmitted and received at the land-office aforesaid, although after the time heretofore appointed by law for their being received, shall be acted upon by the commissioners, in like manner as if they had been received before the expiration of the time so limited and appointed.

The vendees of such claimants to be admitted to the same benefits, under the aforesaid law, that their venders would have been entitled to, without new applications, &c.

Sec. 3. Whereas, divers Connecticut claimants who have transmitted their applications to the land-office of Pennsylvania, to be received within the provisions of the act passed the fourth day of April, one thousand seven hundred and ninety-nine, have since sold their land, or part thereof, to other persons, *Be it therefore enacted by the authority aforesaid*, That such subsequent purchasers shall be admitted to the benefits of the said act, passed the fourth day of April, one thousand seven hundred and ninety-nine, in the same manner as their venders would have been entitled, without such purchasers being required to make any new application for that purpose; and all purchasers under process of law of land claimed under the title of the Susquehanna

hanna company, within the ſaid Seventeen Townſhips, already ſubmitted by a former claim thereof, ſhall be equally entitled to the benefits of the ſaid act of the fourth day of April, one thouſand ſeven hundred and ninety-nine, as if ſuch purchaſer himſelf had ſubmitted the ſame by his application to the land-office for that purpoſe.

In what inſtances ſuch claimants may be repreſented by attorneys or agents.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That the attornies or agents duly authoriſed by ſuch Connecticut claimants whoſe application has been or may be tranſmitted to the land-office or to the commiſſioners aforeſaid, under the proviſions of the act of the fourth day of April, one thouſand ſeven hundred and ninety-nine, or this ſupplement thereto, where ſuch claimants are infants, or reſidents of a diſtant part of this ſtate, or reſide out of this ſtate, or are diſabled by ſickneſs or corporal infirmity, from attending the commiſſioners in perſon, may exhibit the title of ſuch claimant, and take the oath of ſingle title enjoined by the act of the fourth day of April, one thouſand ſeven hundred and ninety-nine in reſpect of the land ſo claimed, to the beſt of their knowledge and belief, and the ſame ſhall be equally valid as if done by the principals in perſon.

The commiſſioners empowered to examine perſons on oath, &c. who for ſwearing falſely ſhall incur the like penalties as are annexed to perjury.

Sec. 5. *And be it further enacted by the authority aforeſaid*, That the commiſſioners aforeſaid, or any of them, ſhall have power to ſummon before them any perſon or perſons, and to adminiſter oaths or affirmations generally, to any perſon appearing before them, touching the objects of the preſent act and the act to which this is a ſupplement; and any perſon ſwearing falſely in reſpect to any matter whereunto he ſhall be examined by the ſaid commiſſioners, or

any of them, and within the duties of their office, ſhall be ſubject to all the penalties by law annexed to the crime of willful and corrupt perjury; but the power of the commiſſioners to ſummon and examine, upon oath or affirmation, any perſon whatſoever, ſhall be confined to the proper objects of their commiſſion and the duties by law aſſigned to them.

To receive legal aſſiſtance from the attorney-general when required in the execution of their office.

Sec. 6. *And be it further enacted by the authority aforeſaid*, That it ſhall be the duty of the attorney-general of this commonwealth, to give his legal advice and opinion, without delay, on any queſtion ſubmitted to him by the ſaid commiſſioners, or a majority of them, reſpecting the execution of their commiſſion.

Empowered to appoint one permanent clerk and ſuch aſſiſtants as may be requiſite.

clerk's compenſation.

Sec. 7. *And be it further enacted by the authority aforeſaid*, That the ſaid commiſſioners, or any of them who ſhall be engaged in the examination of titles of Connecticut claimants, ſhall be at liberty to employ one additional clerk permanently, and ſuch occaſional aſſiſtance as the buſineſs may abſolutely require; provided no ſuch clerk ſhall be paid more than two dollars per day for his ſervices.

Commiſſioners to be reimburſed all reaſonable coſts incurred in tranſporting the books, &c. from one place to another and their travelling expences to be borne.

Sec. 8. *And be it further enacted by the authority aforeſaid*, That the commiſſioners, or any of them who may be employed in the examination of title as aforeſaid, and may find it neceſſary to proceed in rotation through ſuch of the Seventeen Townſhips where the Connecticut titles of the inhabitants thereof yet remain to be examined, ſhall be repaid all reaſonable coſts and charges expended in conveying from one townſhip to another, the books, papers and documents belonging to the commiſſion, and every other reaſonable expence neceſſarily

ceſſarily incurred in travelling from townſhip to townſhip.

Sec. 9. *And be it further enacted by the authority aforeſaid*, That it ſhall be the duty of the ſaid commiſſioners to ſurvey, value, and certify, not merely ſuch parts and portions of the tracts of land claimed under the title of the Suſquehanna company, within the Seventeen Townſhips aforeſaid, as have been or may be releaſed to this commonwealth by the Pennſylvania claimants thereof, but the whole of each tract of land claimed by a Connecticut claimant, who ſhall eſtabliſh his title thereto in the manner preſcribed by the aforeſaid act of April fourth, one thouſand ſeven hundred and ninety-nine, whether releaſed to this commonwealth or not; and if any Pennſylvania claimant of ſuch land, ſhall refuſe or neglect to releaſe the ſame to this commonwealth, under the proviſions of the aforeſaid act of April fourth, one thouſand ſeven hundred and ninety-nine, on or before the firſt day of Auguſt next, ſuch Pennſylvania claimant ſhall not hereafter be entitled to recover the ſame by any action, in any court whatever in this commonwealth, againſt the Connecticut claimant, in whoſe favor a certificate ſhall be granted by the ſaid commiſſioners, for ſuch land, or againſt any perſon claiming under ſuch certificate, or any patent iſſued by virtue thereof; but the Pennſylvania claimant ſo refuſing or neglecting to releaſe ſuch lands as aforeſaid, ſhall be at liberty to inſtitute a ſuit in the ſupreme court of Pennſylvania, againſt this commonwealth, which ſuit ſhall be tried and determined at any circuit court of the ſupreme court, in the county of Luzerne, unleſs on ſpecial motion and reaſonable cauſe ſhewn, the judges of the ſupreme court ſhall think fit to direct the venue to be changed

What lands they are to ſurvey, value and certify,

and where a Pennſylvania claimant refuſes to releaſe, what to be the conſequence.

changed in any ſuit ſo inſtituted, which in ſuch caſe ſhall be tried and determined at any circuit court of the ſupreme court, to be held either in the county of Northumberland or the county of Lycoming, at which trial the ſaid court and jury ſhall have power to award a juſt compenſation for the land ſo taken from ſuch Pennſylvania claimant: *Provided*, He ſhall in the courſe of the ſaid trial, make it appear to the court and jury, that he is fully, fairly and excluſively entitled to ſuch land under this commonwealth, except as againſt the perſon or perſons claiming the ſame by virtue of a certificate or patent granted under the authority of this act; and upon ſuch trial being determined in favor of the Pennſylvania claimant, the plaintiff in the ſaid ſuit ſhall be entitled to receive, in current money of the United States, the full ſum ſo awarded in his favor, together with coſts of ſuit, on preſenting to the Governor of this commonwealth a certificate of the verdict and judgment in ſuch ſuit, and the coſts thereof to be taxed in the uſual manner, and certified by the judges before whom the ſaid trial was held, and by the clerk of the court, whereupon the Governor ſhall iſſue his warrant for the amount aforeſaid, to the treaſurer of this commonwealth.

Every Connecticut claimant applying for a certificate firſt to deliver up to the commiſſioners all title-papers which they are to tranſmit to the ſecretary of the land-office.

Sec. 10. *And be it further enacted by the authority aforeſaid*, That it ſhall be the duty of the ſaid commiſſioners to demand and receive, of and from each Connecticut ſettler and claimant applying for a certificate under the aforeſaid act of April fourth, one thouſand ſeven hundred and ninety-nine, or the preſent act, every deed and document of title under the Suſquehanna company, relating to the lands required to be certified, which may be in the power or poſſeſſion of ſuch Connecticut ſettler or claimant previous

previous to the iſſuing of any certificate for ſuch lands, which deeds and documents ſhall be tranſmitted by the ſaid commiſſioners to the ſecretary of the land-office, together with all other papers relating to the ſaid commiſſion, when required by the Governor.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXXXVIII.

An ACT *for the more certain Adminiſtration of Juſtice.*

WHEREAS, from ſickneſs and other cauſes, the holding of the courts of juſtice of this commonwealth, at the regular terms, have been and may hereafter be prevented: Therefore,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That no proceſs, pleas, ſuits, actions or proceedings which have at any time been, now are, or hereafter ſhall be commenced, ſued, brought, or depending

No proceſs, ſuits, &c. brought or depending in the ſupreme or any other court

within this ſtate, ſhall be diſcontinued or abate on account of the non-attendance of the juſtices or judges thereof.

depending before the ſupreme court, or any other court of this commonwealth, ſhall be diſcontinued or put without day, or ſo conſidered, by reaſon of the non-attendance of the juſtices or judges of the ſaid courts, but ſhall ſtand good and effectual in law, to all intents and purpoſes, notwithſtanding the non-attendance of any of the ſaid juſtices or judges.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER LXXXIX.

An ACT *for the regulation of the Militia of the Commonwealth of Pennſylvania.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That each and every free, able-bodied, white male citizen, of this or any other of the United States, and every other free, able-bodied white male perſon who has been reſident in this commonwealth for ſix months previous to the time of his enrolment, who is or ſhall be of the age of eighteen years, and under the age of forty-five years, except as

Deſcription of perſons to be enrolled in the militia and by whom,

is

is herein after excepted, ſhall ſeverally and reſpectively be enrolled in the militia, by the captain or commanding officer of the company within whoſe bounds ſuch citizen or other perſon as above deſcribed, ſhall reſide, and that it ſhall at all times hereafter be the duty of ſuch captain or commanding officer, to enroll, or cauſe to be enrolled, every ſuch citizen and other perſon, reſident as aforeſaid, and alſo thoſe who ſhall from time to time arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years, or become reſident as aforeſaid, and not excepted by this act, ſhall come to reſide within his bounds, noting as preciſely as poſſible, the particular age of each perſon enrolled, and in all caſes of doubt reſpecting the age or reſidence of any perſon enrolled or intended to be enrolled, the party ſhall prove his age or reſidence, to the ſatisfaction of the officers of the company within whoſe bounds he may reſide, or a majority of them, and that it ſhall be the duty of each captain or commanding officer of a company, to take or cauſe to be taken, an accurate claſs-liſt or roll, of all the perſons ſubject to militia duty, who ſhall have been enrolled by him as aforeſaid, noting as preciſely as poſſible, the age of each perſon enrolled, and particularly deſignating all ſuch perſons within the bounds of his company, and the ward or townſhip in which they reſide, ſubject to militia duty, who ſhall deſire to be conſidered as exempts, or perſons exempted from training in regiments, battalions, or companies, as is directed by this act, but not as perſons exempted from their tour of duty when the militia of this ſtate, or any detachment thereof, ſhall be called into actual ſervice; but if any perſon neglects or refuſes to make his choice as aforeſaid, the ſaid captain

the party to prove his age and reſidence where doubts exiſt:

Each captain to keep a liſt of all perſons enrolled by him, noting thereon the exempts.

Perſons neglecting to make their

election shall be placed on the list of exempts, who shall have the right to appeal, &c.

captain shall place the name of such person on the list of exempts: *Provided always*, That exempts shall enjoy the right of appeal, and have such redress as delinquents have in cases of appeal provided for in the seventeenth section of this act: And in all cases where exempts obtain any exoneration as aforesaid, the amount thereof shall be certified under the hand of the president of the court of appeal, which certificate, when presented to the collector of taxes, shall be received by him as payment of such part of the said exempt's fine as shall be therein expressed; and the commanding officer of each regiment respectively, shall transmit a list of the names of the officers appointed to hear and determine on appeals for the current year, to the county commissioners, on or before the first day of August annually; and the said captain or commanding officer shall, under the penalty of fifty dollars for every such neglect or refusal, yearly and every year, on or before the day of regimental review, to be in the month of May, deliver or cause to be delivered, one complete class-list or roll as aforesaid, on oath or affirmation, to the brigade inspector, and it shall be the duty of the said brigade inspector, within ten days after he shall have received the said lists or rolls as aforesaid, to deliver or safely transmit to the commissioners of the proper county, and within sixty days thereafter, to the state treasurer and register-general, to each a true and accurate list of the said exempts as aforesaid, returned to him by the captains or commanding officers of the respective companies, under the penalty of twenty dollars for every such offence, and shall incur a further fine of twenty dollars for every month's delay after the expiration of the said sixty days, to be recovered by the treasurer of the state, for the use of the

Duty of the regimental commander.

Enrollments to be annually delivered to the brigade inspector on oath or affirmation, who shall transmit to the county commissioners, the state treasurer and register general respectively, a list of the exempts.

the commonwealth; and thereupon the ſaid county commiſſioners ſhall annually fine or charge the perſons ſo returned to them as exempts in their county duplicates, the ſum of five dollars each, over and above the amount of their taxes; and the tax ſo impoſed on all minors who are exempts, ſhall be charged to the parent, guardian, maſter or miſtreſs of ſuch minor, keeping the amount of the ſaid fines in a ſeparate and diſtinct column from the county tax; and it ſhall be the duty of the ſaid commiſſioners, under the penalty of five hundred dollars each, for every neglect or refuſal, to be recovered agreeably to the proviſions of the thirty-fourth ſection of this act, to direct and cauſe the ſaid exempt fines to be collected annually, at the ſame time and in the ſame manner in which the county tax is directed by law to be collected, except as to the diſcretion of exoneration inveſted in the commiſſioners in other caſes, and in like manner to be paid and received in the treaſury of the county; and the county treaſurers reſpectively, are hereby directed to keep ſeparate and diſtinct accounts of all the monies ſo by them received for exempt fines in purſuance of this act; and the ſaid county treaſurers reſpectively, ſhall ſettle with the regiſter-general, and pay yearly to the treaſurer of the commonwealth, all ſuch fines from exempts as they ſhall receive by virtue of this act; and the ſaid county treaſurers reſpectively, ſhall be allowed in the ſettlement of their accounts with the comptroller and regiſter-generals, five per cent. on all monies ſo received and by them paid to the ſtate treaſurer as aforeſaid.

Proceedings by the commiſſioners thereon:

Duties and compenſation of the county treaſurers.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the vice-preſident of

Who ſhall be exempt from militia duty.

the United States, officers judicial and executive of the government of the United States, the members of both houſes of congreſs, and their reſpective officers, all cuſtom-houſe officers, with their clerks, all poſt-officers and ſtage-drivers who are employed in the care and conveyance of the mail of the United States, all ferrymen employed at any ferry on the poſt-roads, while they remain ſuch, all inſpectors of exports, all pilots, all mariners actually employed in the ſea ſervice of any citizen of the United States, miniſters of religion of every denomination, profeſſors and teachers in the univerſity, colleges, academies and ſchools, while they are actually employed as ſuch, judges of the ſupreme court, and preſidents of the courts of common pleas, menial ſervants of ambaſſadors, miniſters and conſuls from foreign ſtates, ſheriffs, gaolers, and keepers of work-houſes, ſhall be, and they ſeverally are exempted from militia duty, notwithſtanding their being above the age of eighteen years and under the age of forty-five years.

General arrangement of the militia.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That the militia of this commonwealth ſhall, within the reſpective bounds herein after mentioned, be arranged into diviſions, brigades, regiments, battalions and companies; that each diviſion ſhall conſiſt of two brigades, and each brigade ſo to be formed, ſhall conſiſt of not leſs than four regiments, each regiment of two battalions, each battalion of four companies, excluſive of a flank company, in ſuch manner that no company ſhall conſiſt of more than one hundred nor leſs than ſixty-four privates, or as near as may be, having regard to their local ſituations; there may be attached to each battalion, one company of grenadiers,

Of volunteer companies.

light

light-infantry, or riflemen, which company ſhall be formed within the bounds of the regiment, and to each brigade there ſhall be but one company of artillery, which company ſhall be furniſhed with one piece of ordnance, at the expence of the ſtate, as ſoon as they ſhall be completely uniformed and equipped, and one or more troops of horſe, which ſhall be formed of volunteers in their reſpective brigades, at the diſcretion of the Governor, not exceeding one company to a regiment, nor more in number than one-eleventh part of the infantry.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That the territory of this commonwealth be, and it is hereby divided into diviſion bounds, as follows, to wit: The city and county of Philadelphia ſhall form one diviſion; the counties of Bucks and Montgomery one; the counties of Cheſter and Delaware one; the county of Lancaſter one; the counties of York and Adams one; the counties of Berks and Dauphin one; the counties of Cumberland and Franklin one; the counties of Northampton and Wayne one; the counties of Northumberland, Lycoming and Luzerne one; the counties of Mifflin, Huntingdon and Centre one; the counties of Bedford, Fayette and Somerſet one; the counties of Waſhington and Greene one; and the counties of Weſtmoreland, Allegheny, and that part of Butler which is included in lieutenant-colonel Gilliland's regiment, and that part of Beaver which lies ſouth of the river Ohio one; and the counties of Armſtrong, Crawford, Erie, Venango, Warren, Mercer, part of Butler, and that part of Beaver which lies north and weſt of the river Ohio, one other diviſion; the city of Philadelphia ſhall form one brigade, and each diviſion ſhall be compoſed of

The ſtate divided into diviſion bounds;

the city of Philadelphia to form one and

two

each diviſion two brigades:

two brigades; and when by increaſe of population or other cauſes, the number of men in any of the regiments becomes to large, or greatly diſproportionate, it ſhall and may be lawful for the brigadier-general and brigade-inſpector, with the commanding officers of the regiments in each brigade, or a majority of them, to cauſe a new arrangement to be made in the regiments and battalions, and to equalize the ſame as nearly as may be, or to form additional regiments or battalions, if in their opinion the ſame be neceſſary: *Provided*, That no regiment ſhall conſiſt of more than one thouſand nor leſs than five hundred men, and the battalions in the ſame proportion; and when from the increaſe of population or other cauſes, the number of men in any of the companies of a regiment, ſhall become greatly diſproportionate to the number of men in other companies, the field officers of ſuch regiment are hereby authoriſed to make ſuch arrangements and diſtributions of the men as in their diſcretion ſhall be convenient and proper, in order to equalize the number of men in the ſeveral companies, or to form additional companies, if in their opinion the ſame be neceſſary.

The regiments from time to time to be equaliſed,

how many men a regiment may contain, &c.

Colours to be provided by the ſtate ſhall be uniform:

Sec. 5. *And be it further enacted by the authority aforeſaid*, That there ſhall be two colours or ſtandards provided at the expence of the ſtate, for every regiment, ſo that each battalion may have one, and they ſhall be uniform throughout the ſtate, and of the following dimenſions and devices, to wit: The length or height of the ſtaff of each of the ſaid colours ſhall be nine feet, with a braſs ſpear on the top thereof, the fly of each of the ſaid colours ſhall be ſix feet ſix inches in length, and four feet ſix inches in height on the ſtaff, on the fly of one

of the ſaid colours, to be made of a dark blue coloured ſilk, there ſhall be painted an American eagle, with expanded wings, ſupporting the arms of the ſtate, or ſome ſtriking part thereof, in the upper corner, next to the ſtaff, there ſhall be inſerted, in white letters and figures, the number of the regiment, and the word "Pennſylvania," encircled or ornamented with thirteen white ſtars; the fly of the other colour ſhall be compoſed of thirteen red and white alternate ſtripes, with the upper corner next to the ſtaff, coloured and appropriated as above directed, and each colour ſhall be ornamented with two ſilk taſſels; and the two colours or ſtandards now depoſited in the office of the ſecretary of this commonwealth, ſhall be preſerved as models for the colours of the ſtate, agreeably to which all the regimental colours of this commonwealth ſhall be made. And the uniform, or military dreſs of the militia of this ſtate, ſhall be as follows, to wit: For the infantry, light-infantry, and cavalry, a blue coat, faced with red, the lining and buttons thereof white; for the artillery, a blue coat, faced and lined with red, with yellow buttons; but the uniform of the general officers, and of the officers of the ſtaff, ſhall be blue, faced with buff, the regimental ſtaff excepted, whoſe uniform may be that of the regiment to which they belong; and the cockade to be worn by the militia of this ſtate, ſhall be blue and red: *Provided*, That nothing in this ſection ſhall entitle any regiment or battalion to the colours or ſtandards above deſcribed, who have already received the ſame in purſuance of the fifth ſection of the act, entitled "An Act for the regulation of the militia of "the commonwealth of Pennſylvania," paſſed the ninth day of April, one thouſand ſeven hundred and ninety-nine.

Thoſe now depoſited in the office of ſtate to be the models:

The uniform of the militia:

Thoſe ſupplied under the late law not to receive colours under this.

Sec. 6.

Arms and accoutrements of the militia.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the commissioned officers of infantry, light-infantry, grenadiers and riflemen, shall severally, at their own expence, be armed with a sword or hanger and an espontoon; and those of artillery, with a sword or hanger, a fuzee, bayonet and belt, and a cartridge-box, to contain at least twelve cartridges; the commissioned officers of the several troops of horse, shall furnish themselves with good horses, of at least fourteen hands and an half high, and shall be armed with a sword and a pair of pistols, the holsters of which shall be covered with bear skin caps; each light-horse man or dragoon shall furnish himself with a serviceable horse, of at least fourteen hands and an half high, a good saddle, bridle, mail-pillion and valese, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, the holsters of which shall be covered with bear skin caps, a sabre and cartridge-box, to contain at least twelve cartridges for pistols; and every person so enrolled and provided with arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt, or for the payment of taxes.

How the militia shall be officered.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the militia shall be officered as follows: To each division one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, one brigade-major, and one brigade-inspector, each with the rank of major; to each regiment, one lieutenant-colonel commandant; and to each battalion, one major; to each company of infantry (including light-infantry, riflemen and grenadiers) one captain, one lieutenant, one ensign

ſign, four ſergeants, four corporals, one drummer and one fifer or bugler: There ſhall be a regimental ſtaff, to conſiſt of one adjutant and one quarter-maſter, to rank as lieutenant, one pay-maſter, one ſurgeon, one ſurgeon's mate, one ſergeant-major, one quarter-maſter ſergeant, one drum-major and fife-major; there ſhall be to each company of artillery, one captain, two lieutenants, four ſergeants, four corporals, ſix gunners, ſix bombardiers, one drummer and one fifer; and to each troop of horſe, there ſhall be one captain, two lieutenants, one cornet, four ſergeants, four corporals, one ſaddler, one farrier, and one trumpeter. There ſhall be one adjutant-general, with the rank of brigadier-general, appointed for the whole militia; and it ſhall be the duty of the firſt ſergeant of every company, to act as clerk of the company.

Sec. 8. *And be it further enacted by the authority aforeſaid*, That the adjutant-general, major-generals, brigadier-generals, and brigade-inſpectors, ſhall be appointed and commiſſioned by the Governor; the diviſion and brigade officers to be reſiding within their reſpective diviſion and brigade bounds; that the major-generals ſhall appoint their own aids-de-camp, and the brigadier-generals their brigade-majors; that the field officers of each regiment ſhall appoint their reſpective regimental ſtaffs; that the lieutenant-colonels, majors, captains, lieutenants, and enſigns, ſergeants and corporals, ſhall be elected in form and manner herein after mentioned and provided for; but no perſon ſhall be eligible, or hold a commiſſion in the militia, who is not a citizen of this ſtate, or who ſhall not reſide within the regiment, battalion or company in which he was elected; that all commiſſioned officers ſhall be commiſſioned during

By whom the officers ſhall be appointed;

Who may not hold a commiſſion;

duration of commiſſions

and rank of officers.

during ſeven years, if they ſhall ſo long behave themſelves well, and ſhall take rank according to the date of their commiſſions; and when two or more of the ſame grade, whoſe commiſſions bear an equal date, ſhall meet on command, then their rank ſhall be determined by lot, to be drawn by them in the preſence of the commanding officer of the detachment; and if any commiſſioned officer ſhall remove out of the bounds of the city of Philadelphia, or out of the bounds of any county or diſtrict in which he was deſigned to command, his office ſhall thereby forthwith become vacant.

When offices ſhall be vacated.

Duties of the adjutant-general:

Sec. 9. *And be it further enacted by the authority aforeſaid*, That it ſhall be the duty of the adjutant-general to diſtribute all orders from the Governor, as commander in chief of the militia of the ſtate, to the brigade-inſpectors, or to the ſeveral corps, when in actual ſervice; to attend all public reviews when the Governor ſhall review the militia; to obey all orders from him, relating to the carrying into execution and perfecting the ſyſtem of military diſcipline eſtabliſhed by this act; to furniſh each brigade-inſpector with one ſet of blank forms of the different returns that may be required, for which he ſhall be allowed in the ſettlement of his accounts with the regiſter-general, and to explain the principles on which ſuch returns ſhould be made; to receive from the ſeveral officers of the different corps throughout the ſtate, returns of the militia under their command, reporting the actual ſituation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and diſcipline; all which the ſeveral officers of the diviſions, brigades, regiments, battalions, troops and companies, are hereby

hereby required to make, in such manner as the Governor shall direct, so that the said adjutant-general may he furnished therewith; from all which returns he shall make a general return of all the militia of the state, and lay the same before the Governor, and transmit a duplicate thereof to the president of the United States; that the said adjutant-general, before he enters on the exercise of the duties of his office, shall give bond, with two or more sufficient sureties, in the penalty of five thousand dollars, conditioned for the due and faithful performance of the said duties, and shall in full compensation for his services, receive a yearly salary of six hundred dollars; and it shall be the duty of said adjutant-general, his heirs, executors or administrators, under the penalty of one thousand dollars, to deliver to his successor, all the books, papers and documents relating to the duties of his office.

To give bond with surties;

his salary.

Sec. 10. *And be it further enacted by the authority aforesaid*, That it shall be the duty of each brigade-inspector, at least once in every year, to inspect the arms, ammunition and accoutrements of the militia composing his brigade; to execute all orders which he may receive from the adjutant-general or commander in chief; to superintend the elections of field-officers; to furnish all the necessary blank returns, the form of which shall be prescribed by the adjutant-general; to deliver or cause to be delivered, yearly and every year, on or before the first day of April, to each captain or commanding officer of a company, three blank inspection rolls and three blank class rolls, which several rolls the said captain or commanding officer of a company, is hereby directed to fill, and shall under the penalty of twenty dollars,

Duties of the brigade-inspector.

are directed to be collected in and by the firſt ſection of this act; and that each inſpector ſhall receive for his ſervices, the yearly ſalary of thirty dollars for each regiment belonging to his brigade, which he ſhall attend and inſpect, and ſhall receive ſuch reaſonable allowance for expences as he may have incurred or ſhall hereafter incur, for providing and repairing drums, fifes, colours, artillery and carriages, as he ſhall make appear to the regiſter and comptroller-general to be really neceſſary; and before he enters upon the duties of his office, he ſhall give bond, with one or more ſufficient ſureties, in the penal ſum of two thouſand dollars, conditioned for the due and faithful performance of his duties, and for the faithful accounting for, and paying over all the monies which ſhall come to his hands by virtue of this act; and each of the ſaid inſpectors ſhall, once in every twelve months, make out complete accounts of all monies by him received, and of his expenditures, and return the ſame to the regiſter-general, or in default thereof, ſhall forfeit and pay the ſum of two thouſand dollars; and on the removal or reſignation of any of the ſaid inſpectors, ſuch inſpector, or in caſe of his death, his executors or adminiſtrators, ſhall deliver up to his ſucceſſor in office, or ſome other perſon duly authoriſed by the Governor to receive the ſame, all and ſingular the books, papers and documents belonging to or in uſe in the ſaid office, and on refuſal thereof, he or they ſo offending, ſhall forfeit the ſum of two thouſand dollars, to be recovered by action of debt, in any court of record within this ſtate; but from and after the paſſing of this act, no allowance ſhall be made in the ſettlement of the accounts of any brigade-inſpector, for his attendance at the elections of any field or other officer, nor for pay to clerks

Salary of the brigade-inſpector and allowance for contingencies:

To give bond, &c.

To render his accounts annually to the regiſter-general:

Books and vouchers to be delivered up to the ſucceſſor;

No allowance to be made him for attendance at elections, &c

clerks or any other perſon that he may employ to perform any part of his duty.

Sec. 11. *And be it further enacted by the authority aforeſaid*, That the elections of ſuch officers as are by this act declared to be elective, ſhall be made as follows: The ſeveral brigade inſpectors ſhall, between the firſt day of May and the firſt day of Auguſt, in the year one thouſand eight hundred and ſeven, and ſeptennially thereafter, give notice, by advertiſements at eight or more of the moſt public places of each regiment or battalion bounds or diſtrict, appointing a certain day for each diſtrict, not leſs than ten days after the ſaid notice, and requiring all the enrolled inhabitants (not being exempts) in the ſaid regiment or battalion, and reſiding within the bounds thereof, to meet at a certain place, as near the centre of ſaid diſtrict as may be, and then and there, between the hours of ten in the morning and five in the afternoon of the ſaid day, to elect by ballot, one lieutenant-colonel; and the enrolled inhabitants as aforeſaid, of each battalion bounds reſpectively, ſhall elect by ballot as aforeſaid, on the ſame or ſome other day, and at ſuch place as ſhall be moſt convenient, but with the leaſt poſſible delay, one major; and the enrolled inhabitants of each company bounds reſpectively (not being exempts) ſhall elect by ballot as aforeſaid, on ſome other day, and at ſuch place, within the bounds of ſuch company, as ſhall be moſt convenient, but with the leaſt poſſible delay, one captain, one lieutenant, and one enſign, four ſergeants and four corporals, previous to which ſaid election or elections reſpectively, the ſaid enrolled inhabitants ſhall elect two reſpectable citizens, to be under oath or affirmation, which the officer ſuperintending the election, is hereby authoriſed

Time and manner of electing officers

Lieutenant colonel.

Major;

Captain, lieutenant, &c.

Judges of the election to be choſen:

authorised to administer, to preside as judge thereof, who shall certify to the inspector the names of the persons so elected; and the inspector shall attend and superintend each and every of the said regiment or battalion election, and after the officers are elected, shall give notice thereof to the persons elected, and transmit to the Governor a proper return of the officers elected to be commissioned, mentioning the number of the regiment, the name of each person, and their respective ranks, and thereupon commissions shall be granted, agreeably to the intent of this act; and the majors shall attend and superintend all the elections of commissioned company officers within the bounds of their respective battalions, and report the same as aforesaid, to the brigade-inspector; and elections for officers in the light-horse and artillery, shall be held and conducted in like manner as elections for officers in the infantry; and in every case of future vacancy, whether occasioned by death, resignation or otherwise, the commanding officer of the regiment, battalion, troop or company, as the case may be, shall give immediate information thereof to the brigade-inspector, who shall, with the least possible delay, order elections to be held for filling such vacancies, agreeably to the manner herein before described; but if any regiment, battalion, troop or company, being duly noticed and required as aforesaid, shall neglect or refuse to elect their officers as aforesaid, then it shall and may be lawful for the inspector of the brigade to which such regiment, battalion, troop or company belongs, to nominate (if the said election was to have been held for a field officer or officers) with the approbation of the brigadier-general, and (if for a commissioned company officer or officers) with the approbation of the field-officers of the regiment, one suitable person

Duty of the brigade-inspector.

Majors.

Light-horse elections.

How vacancies are to be supplied,

where an election is neglected:

perſon to the Governor, in the room of each officer ſo neglected to be choſen; and the Governor approving thereof, ſhall commiſſion the ſaid perſon, which ſhall be as effectual, to all intents and purpoſes, as if the ſaid officers had been elected as before directed; and the ſaid inſpector ſhall as ſoon as may be, acquaint the parties ſo neglecting or refuſing, with the appointments that ſhall have been made as aforeſaid; but no change ſhall take place, other than that provided for by the fourth ſection of this act, either in the diviſions, brigades, or the numbers of the regiments of the city or the ſeveral counties of this commonwealth, until after the expiration of the ſeven years for which the officers were elected and commiſſioned, under the directions of an act paſſed on the ninth day of April, one thouſand ſeven hundred and ninety-nine, entitled "An Act for the regulation "of the militia of the commonwealth of Pennſylvania;" but that all commiſſions which may have iſſued or ſhall iſſue, to fill any vacancies ſubſequent to the firſt election held in conformity to the ſaid act, ſhall expire and ceaſe to be of effect at the end of ſeven years from the time of holding the ſaid firſt general election, ſo that an entire and general election and appointment of all the officers of all and every of the diviſions, brigades and regiments throughout the commonwealth, ſhall take place according to the directions and intent of this act, at the completion and expiration of ſeven years from the time of holding the firſt election aforementioned, under the before recited act, any term mentioned in any commiſſion or commiſſions granted by the Governor notwithſtanding; but at leaſt two months before ſuch general election ſhall take place, the general officers of each diviſion ſhall equaliſe the brigades, and the brigadier,

To be no changes, other than that of equaliſing, in the diviſions, brigades or regiments, 'till the preſent commiſſions expire:

Of proceedings previous to a new general election:

dier, brigade-inſpector and field-officers, ſhall equaliſe the regiments in the reſpective brigades, and the field-officers ſhall alſo equaliſe the companies in their regiments reſpectively, ſo that no regiment ſhall conſiſt of more than one thouſand nor leſs than five hundred men, and no company of more than one hundred nor leſs than ſixty-four privates; and immediately after ſuch general election of militia officers ſhall take place, when the rank of officers is not already determined by the date of commiſſions, the rank of the lieutenant-colonels ſhall be determined by a lot, to be drawn in the preſence of the brigadiers; and the rank of the majors and captains in the ſeveral regiments, to be determined in like manner by a lot, to be drawn in the preſence of the lieutenant-colonel or commanding officer of the regiment.

Rank of officers how to be determined.

Sec. 12. *And be it further enacted by the authority aforeſaid*, That if the election of any field-officer ſhall be conteſted, the brigade-inſpector ſhall, on application to him made, by petition, ſigned by at leaſt ſixty-four of the enrolled militia of the regiment, give notice in writing, to the brigadier-general, and to two of the lieutenant-colonels of the brigade wherein ſuch conteſt ſhall ariſe, who, or any two of them, ſhall meet at ſome certain time and place, within the regiment bounds, of which ten days previous notice ſhall be given by the brigade-inſpector, by three advertiſements, to be put up at ſome of the public places within the bounds aforeſaid; and it ſhall be the duty of them the ſaid officers, ſo met, to hear the allegations and proofs of the parties, and thereupon ſhall either confirm the election, and certify the ſame to the Governor, or order a new election, as juſtice may require; and if the election of a company officer

Mode of proceeding where the election of an officer is conteſted.

officer ſhall be conteſted, a petition, ſigned by at leaſt twenty of the enrolled militia of the company wherein ſuch conteſt ſhall happen, may be preſented to the commanding officer of the regiment, who, together with the other field-officers of the regiment, ſhall hear and determine the matter in controverſy, they, or one of them, having firſt given the like notice, by advertiſement, of the time and place of meeting, as is required in the caſe of a conteſt reſpecting the election of a field-officer.

Sec. 13. *And be it further enacted by the authority aforeſaid*, That in order to give reſpectability and permanency to the militia arrangements of this ſtate, the regiments ſhall be numbered and called as follow, to wit: In the city of Philadelphia, the regiment commanded by lieutenant-colonel Pancake, ſhall be No. 24; by lieutenant-colonel Willis, No. 25; by lieutenant-colonel Bright, No. 28; by lieutenant-colonel M'Lane, No. 50; by lieutenant-colonel Barker, No. 84: In the county of Philadelphia, the regiment commanded by lieutenant-colonel Forepauch, ſhall be No. 42; by lieutenant-colonel M'Mullen, No. 67; by lieutenant-colonel Beck, No. 75; by lieutenant-colonel Worrel, No. 80; and the regiment commanded by lieutenant-colonel Coats, No. 88: In the county of Montgomery, the regiment commanded by lieutenant-colonel Henderſon, ſhall be No. 36; by lieutenant-colonel Wentz, No. 51; by lieutenant-colonel Hart, No. 56; and by lieutenant-colonel Davis, No. 86: In the county of Bucks, the regiment commanded by lieutenant-colonel Smith, ſhall be No. 15; by lieutenant-colonel Piper, No. 31; by lieutenant-colonel Clunn, No. 32; and by lieutenant-colonel Vanſant, No. 48: In the county of Cheſter, the regiment

The regiments numbered.

commanded by lieutenant-colonel Grier, ſhall be No. 27; by lieutenant-colonel Armſtrong, No. 47; by lieutenant-colonel Taylor, No. 85; by lieutenant-colonel Cochran, No. 97; by lieutenant-colonel Harris, No. 44; and by lieutenant-colonel Ralſton, No. 92: In the county of Delaware, the regiment commanded by lieutenant-colonel Smith, ſhall be No. 65; and by lieutenant-colonel Richards, No. 100: In the county of Lancaſter, the regiment commanded by lieutenant-colonel Wright, ſhall be No. 5; by lieutenant-colonel Enſminger, No. 7; by lieutenant-colonel Kline, No. 120; by lieutenant-colonel Thomas, No. 121; by lieutenant-colonel Boyd, No. 34; by lieutenant-colonel Boal, No. 60; by lieutenant-colonel Whitehill, No. 98; and by lieutenant-colonel Long, No. 104: In the county of York, the regiment commanded by lieutenant-colonel Black, ſhall be No. 40; by lieutenant-colonel Kelly, No. 41; by lieutenant-colonel Reiſinger, No. 61; by lieutenant-colonel Hendricks, No. 111; by lieutenant-colonel Spangler, No. 113; and by lieutenant-colonel Hinckel, No. 124: In the county of Adams, the regiment commanded by lieutenant-colonel Kuhn, ſhall be No. 9; by lieutenant-colonel Getty, No. 20; and by lieutenant-colonel King, No. 93: In the county of Berks and Dauphin, the regiment commanded by lieutenant-colonel Baum, ſhall be No. 37; by lieutenant-colonel Frailey, No. 43; by lieutenant-colonel Schreader, No. 69; by lieutenant-colonel Epler, No. 79; and by lieutenant-colonel Kline, No. 114: In the county of Dauphin, the regiment commanded by lieutenant-colonel Weirich, ſhall be No. 3; by lieutenant-colonel Elder, No. 66; by lieutenant-colonel Toot, No. 78; by lieutenant-colonel Anſpach, No. 95; and by lieutenant-colonel Sebold, No. 117: In

the

the county of Cumberland, the regiment commanded by lieutenant-colonel Bovard, ſhall be No. 12; by lieutenant-colonel Ewalt, No. 21; by lieutenant-colonel Urie, No. 49; by lieutenant-colonel Roan, No. 59; by lieutenant-colonel Martin, No. 87; and by lieutenant-colonel Ruply, No. 116: In the county of Franklin, the regiment commanded by lieutenant-colonel Findlay, ſhall be No. 1; by lieutenant-colonel Alexander, No. 64; by lieutenant-colonel Statler, No. 68; by lieutenant-colonel Rhea, No. 73; and by lieutenant-colonel Scott, No. 96: In the counties of Northampton and Wayne, the regiment commanded by lieutenant-colonel Wetzel, ſhall be No. 13; by lieutenant-colonel Ohl, No. 38; by lieutenant-colonel Rinker, No. 94; by lieutenant-colonel Keſtler, No. 101; by lieutenant-colonel M'Keen, No. 118, by lieutenant-colonel M'Ferren, No. 8; by lieutenant-colonel Horn, No. 71; by lieutenant-colonel Dingman, No. 103; by lieutenant-colonel Stanton, No. 110; and by lieutenant-colonel Shoup, No. 115: In the counties of Northumberland, Lycoming and Luzerne, the regiment commanded by lieutenant-colonel Ranſom, ſhall be No. 35; by lieutenant-colonel Faulkner, No. 45; by lieutenant-colonel Spalding, No. 57; by lieutenant-colonel Montgomery, No. 81; by lieutenant-colonel Rupert, No. 112; by lieutenant-colonel Giffin, No. 123; by lieutenant-colonel Hyde, No. 129; by lieutenant-colonel Cumings, No. 4; by lieutenant-colonel Abraham M'Kenny, No. 18; by lieutenant-colonel Baldy, No. 39; by lieutenant-colonel Drum, No. 77; by lieutenant-colonel John M'Kenny, No. 102; and by lieutenant-colonel Roberts, No. 106: In the county of Mifflin and parts of Centre, the regiment commanded by lieutenant-colonel M'Dowell, ſhall be No. 11;

No. 11; by lieutenant-colonel Beale, No. 52; by lieutenant-colonel Bratton, No. 74; by lieutenant-colonel Banks, No. 83; by lieutenant-colonel Craig, No. 89; and by lieutenant-colonel Myers, No. 131: In the county of Huntingdon and part of Centre, the regiment commanded by lieutenant-colonel Moore, ſhall be No. 14; by lieutenant-colonel Fee, No. 33; by lieutenant-colonel Cromwell, No. 46; by lieutenant-colonel Holliday, No. 58; and by lieutenant-colonel Entricken, No. 119: In the county of Fayette, the regiment commanded by lieutenant-colonel Collins, ſhall be No. 72; by lieutenant-colonel Oliphant, No. 90; by lieutenant-colonel Braſhiers, No. 91; and by lieutenant-colonel Whaley, No. 108: In the counties of Bedford and Somerſet, the regiment commanded by lieutenant-colonel Clarke, ſhall be No. 10; by lieutenant-colonel Agnew, No. 55; by lieutenant-colonel Bonnet, No. 105; by lieutenant-colonel Kimmel, No. 109; by lieutenant-colonel Moore, No. 127; and by lieutenant-colonel Boyls, No. 128: In the counties of Waſhington and Greene, the regiment commanded by lieutenant-colonel Atchiſon, ſhall be No. 22; by lieutenant-colonel Marſhall, No. 23; by lieutenant-colonel Hare, No. 53; by lieutenant-colonel Stevenſon, No. 82; by lieutenant-colonel Heaton, No. 6; by lieutenant-colonel Jenkins, No. 99; by lieutenant-colonel M'Cleland, No. 122; and by lieutenant-colonel Cather, No. 130: In the county of Allegheny and in that part of Butler county which is included in lieutenant-colonel Gilliland's regiment, and in that part of Beaver county which lies ſouth of the river Ohio, the regiment commanded by lieutenant-colonel Martin, ſhall be No. 16; by lieutenant-colonel Gilliland, No. 29; by lieutenant-colonel Cunningham, No. 62; by lieutenant-

colonel

colonel Noble, No. 76; and by lieutenant-colonel M'Farland, No. 125: In the county of Weſtmoreland, the regiment commanded by lieutenant-colonel Bonnet, ſhall be No. 2; by lieutenant-colonel Wagle, No. 19; by lieutenant-colonel M'Combs, No. 30; by lieutenant-colonel Campbell, No. 54; by lieutenant-colonel M'Dowell, No. 63; by lieutenant-colonel Hunter, No. 70: In the counties of Armſtrong, Erie, Butler, Crawford, Warren, Mercer, Venango, and part of Beaver, the regiment commanded by lieutenant-colonel Forſter, ſhall be No. 17; by lieutenant-colonel Sproat, No. 26; by lieutenant-colonel Reed, No. 107; and by lieutenant-colonel Sloan, No. 126; and all regiments hereafter to be formed, ſhall follow theſe in numerical order; but nothing contained in this ſection, ſhall be conſtrued as giving preference of rank to the officers, which ſhall at all times be determined by the dates of commiſſions, or the drawing of lots for that purpoſe.

Proceedings on the removal of any militia man from his diſtrict.

Sec. 14. *And be it further enacted by the authority aforeſaid*, That every militia man removing out of the bounds of one company into the bounds of another, ſhall apply to the commanding officer of the company to which he did belong, who ſhall give him a diſcharge in writing, certifying the claſs to which he belongs, and whether he has ſerved his tour of duty or not, and the time and date of his ſervice; which certificate the ſaid militia man ſhall produce to the captain or commanding officer of the company within whoſe bounds he next ſettles, within ten days after his ſettlement, under the penalty of two dollars; and the ſaid captain or commanding officer is hereby required to enroll him in the claſs ſpecified in the ſaid certificate.

Sec. 15.

Manner and times of training and exercising the militia;

Sec. 15. *And be it further enacted by the authority aforesaid*, That the whole of the militia of this state (except as herein excepted) shall be trained and exercised in companies, troops, battalions and regiments, by their respective officers, in every year as follows, to wit: In companies, on the first Monday in the month of May, and on the first and second Mondays in the month of October, and the first regiment in each and every brigade, on the third Monday in the months of May and October, the second regiment on Tuesday, and so on, according to such order as the brigade-inspector shall prescribe, on every day of the week (Saturday and Sunday excepted) of which one month's previous notice shall be given by the brigade-inspectors respectively, until the whole number of regiments shall have mustered and exercised in the aforesaid manner, and at such places as the field officers of each regiment, or a majority of them shall agree upon; provided they shall not enter into any person's enclosure, without the consent of the owner first obtained; and no militia man shall, after the first day of October, in the year one thousand eight hundred and three, be admitted into the ranks of any company, without a sufficient musket, rifle or firelock, except those between the ages of eighteen and twenty-one years, and such others as the officers of the company shall deem unable to procure arms at their own expence; such person shall be liable as for non-attendance on days of exercise; and if any militia man who shall not be admitted into the ranks without arms as aforesaid, shall be fined on any day of training, on account of not having such arms, and shall conceive himself aggrieved, he may appeal to the field-officers of the regiment to which he belongs, who shall consider his circumstances, and grant such

notice to be given:

Penalty for appearing without arms:

Persons feeling themselves aggrieved, may appeal.

lief as to them, or a majority of them, ſhall appear juſt and reaſonable.

Sec. 16. *And be it further enacted by the authority aforeſaid*, That if any commiſſioned or ſtaff officer ſhall, without a lawful excuſe, neglect or refuſe to attend on any of the days hereinappointed for exerciſe, ſuch delinquent officer or officers ſhall be returned to the proper court of appeal by the commanding officer preſent; if a field-officer, he ſhall forfeit and pay the ſum of four dollars, and every other commiſſioned or ſtaff officer, ſhall forfeit and pay the ſum of two dollars, to be recovered as other fines for non-attendance, and ſubject to like appeals; and every non-commiſſioned officer or private ſo neglecting or refuſing to attend, ſhall forfeit and pay the ſum of one dollar for every ſuch neglect or refuſal, except ſuch officer or private ſhall be ſummoned and actually attending on any of the days of exerciſe aforeſaid, as a juror or witneſs in any court within this commonwealth, and the ſame fines ſhall be reſpectively paid by every officer, non-commiſſioned officer or private, who ſhall leave the parade on any day of training, before the regiment or company is diſcharged, without leave firſt had and obtained of the officer commanding; and the maſter or miſtreſs of any apprentice, and the father or mother of any minor liable to ſerve in the militia, who ſhall refuſe or neglect to perform the ſeveral duties required of him by this act, ſuch minor being in the ſervice of his father or mother, maſter or miſtreſs, ſhall be reſpectively accountable for the fine or fines ſo incurred by ſuch minor or apprentice.

Penalties for not attending on days of exerciſe,

and for leaving the parade without leave.

Maſters, &c. to pay fines incurred by minors.

Sec. 17. *And be it further enacted by the authority aforeſaid*, That in order to aſcertain thoſe

The roll to be called on muſ-

ter days and abſentees to be noted and returned to the commanding officer of each company:

thoſe perſons who by their abſence on days of exerciſe, ſhall have incurred the fines before mentioned, a ſergeant, or the clerk of each company, on every ſuch day, in the preſence of the captain or commanding officer of the company, at the end of one hour after the time appointed for the meeting of the company, battalion or regiment, and alſo after the exerciſe is over, and before the men are diſmiſſed, ſhall call over the muſter-roll of the company, noting thoſe who are abſent, and within two days after every company or regimental meeting, a return ſhall be made by him to the captain or commanding officer of each company, under the penalty of five dollars for every time he ſhall neglect or refuſe to make ſuch return of all the abſentees on the ſeveral days of exerciſe, particularly deſignating the day on which each default was made;

Officers to be appointed to hear appeals,

and it ſhall be the duty of the commanding officer of each regiment annually, in regimental orders, to be iſſued previous to the days appointed by this act for training the militia in the months of May and October, to appoint ſix commiſſioned officers, three to preſide in each battalion for the current year, as a court to hear appeals, who when ſitting as ſuch court, ſhall be under oath or affirmation, to be adminiſtered by any judge or juſtice of the peace, to perform their duty with fidelity and impartiality; and who ſhall, in not leſs than ten, nor more than fifteen days after the meeting of the regiment in the months of May and October annually, hear the appeal of every perſon conceiving himſelf aggrieved and applying to be heard; and if it ſhall appear to the ſatisfaction of the court of his proper battalion, that by lameneſs or ſickneſs, or any unavoidable neceſſity, his attendance was rendered impracticable on the day or days for which he may ſtand charged, the ſaid court ſhall remit the

who ſhall be under oath, & their powers defined.

fine

fine or fines incurred, for the reaſons aforeſaid only; but no excuſe ſhall be received, nor redreſs given by them, at any other time, or in any other manner than is before mentioned.

Proceedings before courts of appeal and courts-martial not removable by certiorari.

Sec. 18. *And be it further enacted by the authority aforeſaid*, That no certiorari or other writ, ſhall in any caſe iſſue from any court of law or equity of this commonwealth, to remove any proceedings that ſhall be had in any court of appeal or court-martial, held under and by virtue of this act, and that no court of law or equity of the ſaid commonwealth, ſhall in any caſe hear, ſuſtain, determine, or in any manner take cognizance of appeals that may be offered or attempted, from any ſentence or decree paſſed or made by ſuch courts of appeal or court-martial, any law, uſage, or practice, to the contrary in any wiſe notwithſtanding.

How fines ſhall be recovered.

Sec. 19. *And be it further enacted by the authority aforeſaid*, That for the purpoſe of collecting and levying, as well the fines that ſhall be incurred for non-attendance on days of training, as thoſe which ſhall be impoſed by regimental courts-martial, the preſident of the court-martial, if the fine was impoſed by a court-martial, and the commanding officer of the company, if the fine was incurred for non-attendance on any day or days of training, within ten days after the paſſing of the ſentence or decree of the court of appeal or court-martial, ſhall be obliged, and under the penalty of fifty dollars for every neglect or refuſal therein, he is hereby enjoined to iſſue a warrant under his hand and ſeal, directed to ſome conſtable, commanding him to collect and levy the ſaid fine or fines; and the ſaid conſtable ſhall be authoriſed, and he is hereby enjoined and required, under the pe-

nalty of twenty dollars, to call on every delinquent who ſhall be named in ſuch warrant, or in a ſchedule or liſt thereto annexed, and demand payment of the ſaid fine or fines, and of five per centum on the amount thereof, for his trouble in collecting the ſame; and on neglect or refuſal to make ſuch payment, after demand thereof ſo as aforeſaid made, then the ſaid conſtable having the ſaid warrant, is hereby required to proceed to collect the ſaid fines, together with coſts, in the ſame manner, and with like power and effect as conſtables are required to proceed with executions iſſued by virtue of the act for the more eaſy and ſpeedy recovery of ſmall debts, paſſed the firſt day of March, 1745—46; but if any ſuch conſtable, for the ſpace of thirty days after the receipt of ſuch warrant, endorſed with the time of delivering the ſame by the preſident of the court-martial, or the commanding officer of a company, as the caſe may be, ſhall neglect or refuſe to pay unto the pay-maſter of the regiment, or other perſon by this act entitled to receive the ſame, the whole amount of the fines in the ſaid ſchedule or liſt contained, ſuch conſtable, for every ſuch neglect or refuſal, ſhall forfeit and pay to the ſaid pay-maſter, for the uſe of the regiment, double the amount of all the fines marked on the ſaid ſchedule or liſt, which ſhall not within the ſaid thirty days have been paid over to the proper pay-maſter, excepting therefrom only ſuch fines as the field-officers of the regiment, or a majority of them, who are hereby conſtituted a board for the purpoſe, and who, when ſitting as ſuch, ſhall be under oath or affirmation, ſhall annually, on the fourth Monday of November, adjudge it to have been impracticable or improper for the ſaid conſtable to collect and obtain; and it ſhall be the duty of the ſaid pay-maſter of the regiment,

to whom paid and within what time and penalty for neglect.

certain fines excepted.

ment, on the ſaid fourth Monday of November, yearly and every year, to make out a fair and clear ſtatement of his accounts, and lay the ſame before the field-officers and any two captains of the regiment, who ſhall examine it, and having certified the balance, as it ſhall appear to them on the ſaid ſtatement, one copy thereof ſhall remain with the pay-maſter, and another be lodged with the colonel or commanding officer of the regiment; but if any pay-maſter ſhall neglect or refuſe to make a ſtatement of his accounts in manner aforeſaid, or when duly required, ſhall neglect or refuſe to ſurrender all the papers, books and accounts belonging to his office, to his ſucceſſor, for every ſuch neglect or refuſal, of which a regimental court-martial ſhall judge, ſuch pay-maſter, or his executors, adminiſtrators, or others poſſeſſing ſuch books, papers or accounts, ſhall forfeit and pay for the uſe of the regiment, the ſum of one hundred dollars, to be recovered by the quarter-maſter of the regiment, in the ſame manner as is provided by the thirty-third ſection of this act for the collection of fines impoſed on other officers.

Pay-maſter to make an annual exhibit of his accounts:

Penalty for neglecting to make ſuch exhibit or deliver over the documents in his office to a ſucceſſor.

Sec. 20. *And be it further enacted by the authority aforeſaid*, That for the collection of all the fines in arrears, which have been incurred under the act, entitled "An Act for the regulation of the militia of the commonwealth of Pennſylvania," paſſed the ninth day of April, one thouſand ſeven hundred and ninety-nine, the ſeveral captains or commanding officers of companies, ſhall have and exerciſe the ſame powers, except that of holding appeals, with which they are veſted by the nineteenth ſection of this act, for the collection of ſuch fines as may be hereafter incurred, and they are hereby ſeverally enjoined and required, on or before the

Of the collection of fines incurred under the late militia law.

the firſt Monday of September next, to iſſue their reſpective warrants for the collection of the fines ſo as aforeſaid in arrears, under the penalty of fifty dollars each, for every neglect or refuſal, to be recovered as officers fines are recoverable by the thirty-third ſection of this act.

Appropriation of the fines.

Sec. 21. *And be it further enacted by the authority aforeſaid*, That the ſaid pay-maſter ſhall hold the monies paid over to him according to the directions of this act, ſubject to the drafts of the colonel or commanding officer of the reſpective regiments, to be drawn in the order and for the purpoſes herein after mentioned, to wit: To pay drummers, fifers, trumpeters and buglers; to pay for the repairs of drums, arms, and for the different duties, other than thoſe of company and field-days, and of days appointed excluſively for the exerciſe of officers, which by this act are impoſed upon officers and others, and for which no other ſpecific proviſion is hereby made, and to defray all ſuch other expences only, as a majority of the field-officers of each regiment may adjudge to be neceſſary and uſeful for the regiment, for promoting military diſcipline and effectuating the ends and purpoſes of this act.

Form of the warrant to be iſſued for collecting fines.

Sec. 22. *And be it further enacted by the authority aforeſaid*, That the form of the warrant to be iſſued by the captain or commanding officer of each company, for the collection of fines for non-attendance on days of training, may be as follows: "The commonwealth of "Pennſylvania, to

"Whereas the perſons named in the ſchedule or "liſt hereto annexed, have by the court of "appeals of their proper battalion, been duly

"ſentenced

" ſentenced to pay the fines to their names re-
" ſpectively ſubjoined; this warrant therefore
" authoriſes and requires you, according to law,
" to levy, collect, and pay over all the fines
" aforeſaid. Given under my hand and ſeal,
" the day of one thou-
" ſand eight hundred and
" A. B. captain. (L. s.)
" To collector."

And the form of the warrant to be iſſued by the preſident of a court-martial, may be as follows, " The commonwealth of Pennſylvania, " to

" Whereas, A. B. hath been duly ſentenced to
" pay a fine for the ſum of (for diſobedi-
" ence of orders, neglect of duty, &c. as the
" caſe may be) this warrant therefore authoriſes
" and requires you, according to law, to levy,
" collect, and pay over the ſaid fine. Given
" under my hand and ſeal, the day
" of one thouſand eight hundred
" and
" A. B. preſident. (L. s.)
" To collector."

Of making returns of the names of abſentees and exempts, and the fines charged:

Sec. 23. *And be it further enacted by the authority aforeſaid*, That it ſhall be the duty of the commanding officer of each company, under the penalty of twenty dollars, to tranſmit a liſt of the names of all the abſentees, and the fines charged for non-attendance on days of training, as alſo the names of the exempts, to the officers holding the appeals, and the ſaid court of appeals ſhall, under the penalty of twenty dollars each, tranſmit a general return of the delinquent fines charged, to the commanding officer of the regiment, and one copy to the pay-maſter thereof; and

Compenſation to the officer commanding each company for performing ſaid duty: To the members of courts of appeal and regimental courts-martial for their ſervices;

and each captain or commanding officer of a company, ſhall receive one dollar per day for making the ſeveral returns required of him by this act; and officers holding courts of appeal and regimental courts-martial, ſhall each receive one dollar per day, to be paid by the pay-maſter of the regiment in which ſuch duty is performed, on orders drawn by the lieutenant-colonel or commanding officer thereof; and each pay-maſter ſhall have a book for the keeping of accounts, to be paid for out of the regimental fund, and ſhall for performing the ſeveral duties enjoined on him by this act, receive five per centum on all monies that come into his hands; and officers holding general courts-martial, ſhall be paid each for his ſervices, one dollar per day, to be paid by the inſpector of the brigade in which ſuch court-martial is held, on orders ſigned by the preſident of the court, to be allowed to ſuch brigade-inſpector on the ſettlement of his accounts.

and general courts-martial.

The militia may be called into actual ſervice on any exigency:

Sec. 24. *And be it further enacted by the authority aforeſaid*, That whenever it may be neceſſary to call into actual ſervice any part of the militia, in caſe of rebellion, or of an actual or threatened invaſion of this or any of the neighboring ſtates, then it ſhall and may be lawful for the Governor to order into actual ſervice ſuch part of the militia, by claſſes, as the exigency may require: *Provided*, That the part ſo called, doth not exceed four claſſes of the militia of any brigade: *And provided alſo*, That ſuch brigade or brigades ſhall not be again called into actual ſervice until an equal number of the claſſes of the militia of the other brigade or brigades reſpectively, be firſt called, unleſs the danger of an invaſion from Indians or others, ſhould make it neceſſary to keep in reſerve the militia of ſuch brigade

brigade or brigades for immediate defence; and the companies in each regiment or battalion of the ſtate, ſhall within one year after the paſſing of this act, be divided into eight claſſes, where the ſame is not already done; all flank companies, whether of grenadiers, light-infantry, or riflemen, ſhall be called into ſervice by companies or parts of companies, and not by claſſes, the firſt flank company making part of the firſt call, and the ſecond flank company ſhall make part of the fifth call of the militia, and be commanded by their own proper officers; and every flank company to be formed in future, ſhall be formed under the direction and approbation of the field-officers of the regiment, to conſiſt of not leſs than ſixty four privates, and compoſed of men actually reſident within the bounds of the regiment to which they are to be attached, and not otherwiſe.

The companies of each regiment or battalion to be divided into claſſes.

Sec. 25. *And be it further enacted by the authority aforeſaid*, That the militia, when called by claſſes to perform a tour of duty, ſhall be officered in the following manner, that is to ſay, for the firſt draft, the captain of the firſt company, the lieutenant of the ſecond, and enſign of the fourth; ſecond draft, the captain of the ſecond company, the lieutenant of the firſt, and the enſign of the third; third draft, the captain of the third company, the lieutenant of the fourth, and the enſign of the ſecond; fourth draft, the fourth captain, the lieutenant of the third company, and the enſign of the firſt; the fifth draft, the fifth captain, the lieutenant of the ſixth, and enſign of the eighth; ſixth draft, the ſixth captain, the lieutenant of the fifth company, and the enſign of the ſeventh; ſeventh draft, the captain of the ſeventh company, the lieutenant of the eighth, and enſign of the

How the militia ſhall be officered, when called into ſervice by claſſes;

the ſixth; eighth draft, the captain of the eighth company, the lieutenant of the ſeventh, and the enſign of the fifth; non-commiſſioned officers to take their tour of duty with the commiſſioned officers, and the rotine of the field-officers ſhall be according to the date of their reſpective commiſſions; the firſt colonel of the brigade ſhall command the firſt detachment, if it amounts to a colonel's command, but if it does not, the command ſhall devolve on the firſt major; and each draft ſhall be liable to ſerve two months and no longer, and to be relieved by the claſs next in numerical order, the relief to arrive at the place of deſtination at leaſt two days before the expiration of the term of the claſs to be relieved; but nothing herein contained, ſhall prevent the Governor from employing and calling out part of any claſs, or any company or companies, regiment or regiments, without reſpect to this rule, whenever the exigency is too ſudden to admit of the aſſembling of the militia in the ordinary way; and the ſervice of the perſon or perſons ſo called out, ſhall be accounted as part of his or their tour of duty; and the pay of the militia in actual ſervice, ſhall commence two days before marching, and they ſhall receive pay and rations at the rate of fifteen miles per day, on their return home.

The foregoing plan may be diſpenſed with when the exigency of the caſe requires it,

when the pay and rations of the militia ſhall commence and end.

Sec. 26. *And be it further enacted by the authority aforeſaid*, That when any detachment of the militia ſhall be called into ſervice, the captain of each company ſhall take care that his proportion of men are aſſembled and marched to the proper place of parade, under the care of a commiſſioned officer or ſergeant, with a liſt of the men, which liſt ſhall be delivered to the adjutant of the regiment, whoſe duty it ſhall be to attend at the place appointed, to receive the detachments

When a detachment of militia is called into ſervice, each company to be marched to the proper place of parade, and a liſt of the men to be delivered to the adjutant of the regiment:

tachments from the ſeveral companies of his regiment, and he ſhall make out a roll of the whole, mentioning the rank of the officers and names of the non-commiſſioned officers and privates, and when the detachment ſhall be completed, and placed under the command of the proper officer, he ſhall attend them to the place appointed for the meeting of the detachment of the brigade, where the ſeveral adjutants ſhall each deliver a liſt of the detachment from his regiment, to the brigade-inſpector, whoſe duty it ſhall be to attend at the place appointed for aſſembling the detachment from his brigade, and to furniſh a complete liſt thereof to the commanding officer of the detachment, noting particularly in detail, the officers, non-commiſſioned officers and privates from the reſpective regiments within his brigade; and it ſhall furthermore be the duty of ſaid brigade-inſpector, to march with ſuch detachment, to the place of general rendezvous appointed for the whole of the militia called out, and there deliver to the commanding officer, a duplicate of the liſt aforeſaid; and it ſhall be the duty of ſuch commanding officer to make a general return of the whole detachment, noting particularly the detail from each brigade, certified under his hand, and ſhall cauſe the ſame to be delivered to the adjutant-general within ten days after the marching of his detachment, under the penalty of fifty dollars.

His duty:

Duty of the brigade-inſpector:

Of the commanding officer of the detachment.

Sec. 27. *And be it further enacted by the authority aforeſaid*, That whenever the militia are called into actual ſervice of this ſtate, or of the United States, it ſhall and may be lawful for the Governor, if he may deem it expedient, to organize the cavalry into brigades, regiments, ſquadrons and troops, ſo that each brigade ſhall

The Governor empowered, on a call of the militia into actual ſervice to organize the cavalry, &c.

conſiſt of four regiments, each regiment of two ſquadrons, each ſquadron of four troops, in ſuch manner that no troop ſhall conſiſt of more than one hundred nor leſs than ſixty-four non-commiſſioned officers and privates, to be officered as follows: To each brigade, one brigadier-general and one brigade-major, with the rank of major; to each regiment, one lieutenant-colonel commandant and two majors, a firſt and ſecond; to each ſquadron, one major; to each troop, one captain, two lieutenants, one cornet, four ſergeants, four corporals, one ſaddler, one farrier and one trumpeter: The general officers ſhall be appointed by the Governor, and the elections for field-officers ſhall be held at the place of general rendezvous appointed after ſuch call, and conducted as nearly as may be, according to the directions preſcribed by this act for the elections of other field-officers; the brigadier-generals ſhall appoint their brigade-majors, and the field-officers of each regiment ſhall appoint their reſpective regimental ſtaffs.

Of the appointment of the officers.

Sec. 28. *And be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful for any perſon called to perform a tour of duty, to find a ſufficient ſubſtitute, ſuch ſubſtitute being approved of by the captain or commanding officer of the company in which he ſhall be offered to ſerve: *Provided always*, That if any ſubſtitute ſhall be called in his own turn into actual ſervice before the term expires which he was to ſerve for his employer, then the perſon procuring ſuch ſubſtitute, ſhall march, or find a ſufficient perſon to march in his ſaid ſubſtitute's turn, or be liable to pay his fine for neglect, which fine is to be recovered as other fines for neglect of ſerving are by this act recoverable, and that ſons, who are not ſubject to the militia law,

Subſtitutes allowed:

Proviſo if the ſubſtitute's turn ſhould happen while he is out.

law, may be admitted as ſubſtitutes for their fathers.

Sec. 29. *And be it further enacted by the authority aforeſaid*, That when the militia, or any detachment thereof, are called out on duty, they ſhall be entitled to like pay and rations as are or ſhall be provided for the army of the United States, and that every perſon refuſing or neglecting to perform his tour of duty, in perſon or by ſubſtitute, ſhall pay the ſum of twelve dollars for every ſuch neglect or refuſal if the tour was to be for a term not exceeding one month, and in proportion if the tour was to be for any longer or ſhorter term.

Pay and rations of the militia when on duty, and penalty on any perſon for not performing his tour.

Sec. 30. *And be it further enacted by the authority aforeſaid*, That the diviſion compoſed of the militia of the city and county of Philadelphia, by direction of the general officers thereof, if they ſee cauſe, and by and with the conſent of the commanding officers of the reſpective regiments, is hereby authoriſed to meet in diviſion or brigade, on any of the days appointed by this act for training the militia in regiments; and the commanding officers of the ſeveral and reſpective regiments compoſed of the militia reſiding north-weſt of the rivers Ohio and Allegheny and Conewango creek, and that part of Wayne county above the Barrens, are hereby authoriſed and empowered to cauſe the ſame (if they may deem it expedient) to meet and exerciſe in battalions, on any of the days appointed by this act for training in regiments.

What part of the militia may meet in diviſion or brigade on regimental muſter days,

and what part in battalions.

Sec. 31. *And be it further enacted by the authority aforeſaid*, That the following articles, rules and regulations, ſhall be thoſe by which the militia ſhall be governed:

Rules and regulations for governing the militia:

Article 1.

Behaving in an un-officer like manner.

Article 1. If any field or other commiſſioned officer, at any regimental review, or on any other occaſion, when the regiment, battalion, troop or company to which he may belong, or in which he holds a command, is paraded in arms, ſhall miſbehave, or demean himſelf in an un-officer like manner, or ſhall on any ſuch occaſion neglect or refuſe to obey the orders of his ſuperior officer, he ſhall for every ſuch offence, be caſhiered or puniſhed by fine, at the diſcretion of a general or regimental court-martial, as the caſe may require, in any ſum not exceeding ſixty dollars; and if any non-commiſſioned officer or private, ſhall on any occaſion of parading the company to which he belongs, appear with his arms and accoutrements in an unfit condition, or be drunk, or ſhall diſobey orders, or ſhall uſe any reproachful or abuſive language to his officers, or any of them, or ſhall quarrel or promote any quarrel among his fellow-ſoldiers, he ſhall be diſarmed and put under guard by order of the commanding officer preſent, until the company is diſmiſſed, and ſhall be fined at the diſcretion of a regimental court-martial, in any ſum not exceeding ten dollars, nor leſs than two dollars.

Arms out of order, or miſbehaviour of non-commiſſioned officers and privates.

Commanding officer of a regiment not performing his duty:

Article 2. If the lieutenant-colonel or commanding officer of any regiment, ſhall neglect or refuſe to give orders for aſſembling his regiment at any time or times appointed by law, or at the direction of the inſpector of the brigade to which he belongs, when the ſaid inſpector is thereto commanded by the Governor, or in caſe of an invaſion of the city or county to which ſuch regiment belongs, he ſhall be caſhiered, and puniſhed by fine, not exceeding two hundred dollars, at the diſcretion of a general court-martial; and if a commiſſioned officer of any company,

Commiſſioned officer of a

company, ſhall on any occaſion neglect or refuſe to give orders for aſſembling the company to which he belongs, or any part thereof, at the direction of his lieutenant-colonel or commanding officer of the regiment to which ſuch company belongs, he ſhall be caſhiered and puniſhed by fine, not exceeding ſixty dollars, at the diſcretion of a regimental court-martial; and a non-commiſſioned officer offending in ſuch caſe, ſhall be fined at the diſcretion of a regimental court-martial, in any ſum not exceeding twenty dollars.

company neglecting or diſobeying orders.

non-commiſſioned officer ſo offending.

Article 3. If any captain or commanding officer of a company, ſhall refuſe or neglect to make out a liſt of the perſons noticed to perform any tour of duty, and ſend or convey the ſame to the lieutenant-colonel or commanding officer of the regiment to which ſuch company may belong, for ſuch neglect or refuſal he ſhall be caſhiered or fined, at the diſcretion of a regimental court-martial, in any ſum not exceeding forty dollars.

Of making out a liſt of perſons drafted.

Article 4. If any militia man ſhall deſert while he is on a tour of duty, he ſhall be fined twenty-four dollars for every ſuch offence, and be obliged to march on the next tour of duty, under the ſame penalties as at firſt; if a non-commiſſioned officer ſhall ſo deſert, he ſhall be degraded and placed in the ranks, ſhall pay a fine of thirty dollars, and be obliged to ſerve another tour as a private.

Penalty for deſerting.

Article 5. Every general court-martial ſhall conſiſt of thirteen members, all of whom ſhall be commiſſioned officers, and of ſuch rank as the caſe may require, and theſe thirteen ſhall chooſe a preſident out of their number, who ſhall not be under the rank of a field-officer.

Of general courts-martial.

Article 6.

Regimental court-martial.

Article 6. Every regimental court-martial ſhall be compoſed of five members, all commiſſioned officers, who are to chooſe one of their members a preſident, not under the rank of captain, and every court-martial, whether general or regimental, ſhall appoint a commiſſioned officer or other fit perſon, to officiate as judge-advocate.

Two-thirds of a court martial muſt agree.

Article 7. In any court-martial, not leſs than two-thirds of the members muſt agree in every ſentence for inflicting any puniſhment, otherwiſe the perſon charged ſhall be acquitted.

Qualification of witneſſes,

Article 8. The preſident of each and every court-martial, whether general or regimental, ſhall require all witneſſes, in order to the trial of offenders, to declare on oath or affirmation, that the evidence they ſhall give, is the truth, the whole truth, and nothing but the truth; and the members of all ſuch courts ſhall take an oath or affirmation, which the preſident is required to adminiſter to them, that they will give judgment with impartiality.

and members.

Compulſory proceſs may iſſue againſt non-attending witneſſes.

Article 9. Every court-martial ſhall have power and authority to iſſue compulſory proceſs againſt all and every perſon or perſons who ſhall neglect or refuſe to attend for the purpoſe of giving evidence in any caſe therein pending.

Of officers and privates under accuſation.

Article 10. No officer or private, being charged with tranſgreſſing theſe rules, ſhall be ſuffered to do duty in the regiment, company or troop to which he belongs, until he has had his trial by a court-martial; and every perſon ſo charged, ſhall be tried as ſoon as a court-martial can conveniently be aſſembled; and every officer under arreſt, ſhall be furniſhed by the adjutant-

general,

general, the brigade-inſpector, or adjutant of the regiment, as the caſe may require, with a copy of the charge exhibited againſt him, at leaſt ten days before his trial, that he may have an opportunity to prepare his defence.

Remedy for injury from commanding officer of a regiment.

Article 11. If any officer or private ſhall think himſelf injured by his lieutenant-colonel or the commanding officer of the regiment, and ſhall upon due application made to him, be refuſed redreſs, he may complain to the brigadier-general, who ſhall direct the inſpector of the brigade to ſummon a general court-martial, that juſtice may be done.

Remedy for injury from any other officer.

Article 12. If any officer or private ſhall think himſelf injured by his captain or other ſuperior officer in the regiment, troop or company to which he belongs, he may complain to the commanding officer of the regiment, who ſhall ſummon a regimental court-martial, for doing juſtice, according to the nature of the caſe.

Penalties to be inflicted by a court-martial limited; fines to whom paid.

Article 13. No penalty ſhall be inflicted by a court-martial, other than degrading, caſhiering, or fining; and all fines impoſed by regimental courts-martial, ſhall be collected and paid into the hands of the pay-maſter, as directed in the nineteenth ſection of this act.

Power of pardoning and mitigating ſentences.

Article 14. The commanding officer of the militia for the time being, ſhall have full power of pardoning or mitigating any cenſures or penalties ordered to be inflicted by a general court-martial, on any officer, non-commiſſioned officer or private, for the breach of any of theſe articles; and every offender, convicted as aforeſaid, by any regimental court-martial, may be pardoned,

doned, or have the penalty mitigated by the lieutenant-colonel or commanding officer of the regiment, excepting only where ſuch cenſures or penalties are directed as ſatisfaction for injuries received by one officer or private, from another; but in caſe of officers, ſuch ſentence to be approved by the commander in chief of the militia, who is empowered to pardon or mitigate ſuch ſentence, or diſapprove of the ſame.

Board of enquiry, when and how to be appointed.

Article 15. That if any commiſſioned officer ſhall at any time, or upon any occaſion, behave in an un-officer like, ungentlemanly, or diſgraceful manner, the commander in chief, if the perſon accuſed be a major-general, the major-general of the diviſion, if a brigadier, the brigadier, if a field-officer or the lieutenant-colonel, if an inferior officer, as the caſe may be, upon the application of any commiſſioned officer, ſhall appoint a board of three officers to enquire into the matter of complaint, and if upon their report it ſhall appear to him deſerving of trial, then and in ſuch caſe he ſhall direct a court-martial, whoſe proceedings herein ſhall have the ſame effect as if the offence had been committed when on actual duty.

How long the militia may be kept under arms, while training.

Article 16. The militia, on the days of training, ſhall be detained under arms, on duty in the field, any time not exceeding ſix hours, provided they are not kept above three hours under arms at any one time, without allowing a proper time to refreſh themſelves.

Fines how to be paid and collected.

Article 17. All fines that ſhall be impoſed by a general, diviſion, or brigade court-martial, for any breach of theſe rules, ſhall be paid into the hands of the inſpectors of the brigades to which the offenders belong, or to ſuch perſon or perſons

perſons as he ſhall appoint and make known in brigade orders, as his agents or attornies to receive the ſame, within three weeks after they become due; but in caſe of neglect or refuſal to pay any of the ſaid fines, the ſaid inſpector ſhall cauſe the ſame to be levied and collected in the manner herein after mentioned.

The federal rules of diſcipline adopted,

Article 18. The rules of diſcipline approved and eſtabliſhed by congreſs, in their reſolution of the twenty-ninth day of March, one thouſand ſeven hundred and ſeventy-nine, ſhall be the rules of diſcipline to be obſerved by the militia throughout this ſtate, except ſuch deviations from ſaid rules as may be rendered neceſſary by the requiſitions of the acts of congreſs or of this ſtate, or ſome other unavoidable circumſtances; and it ſhall be the duty of the commanding officer, at every training, whether by regiment, battalion or ſingle company, to cauſe the militia to be exerciſed and trained agreeably to the ſaid rules of diſcipline and the inſtructions laid down by the baron Steuben, and annexed to the ſaid rules of diſcipline, pointing out the reſpective duties of the officers, non-commiſſioned officers and privates, are recommended and enjoined upon the militia of this ſtate, as particularly and fully as if the ſaid inſtructions were repeated and expreſſed in this act at length.

and the inſtructions of the baron Steuben.

Militia in ſervice of this ſtate or the U. S.

Article 19. The militia of this ſtate, whilſt in the actual ſervice thereof, or of the United States, ſhall be ſubject to the ſame rules and regulations as the federal army: *Provided*, That upon any tranſgreſſion or offence of a militia man, whether officer or private, againſt the rules and regulations of the federal army, the cauſe ſhall be tried and determined by a court-martial of the militia of this ſtate, and that it ſhall be in

How to be tried.

the power of the Governor, or in caſe of his abſence, of the commanding officer of the militia, to mitigate, ſuſpend, or pardon any puniſhment to which any militia man may be ſentenced by a general court-martial; and it ſhall be the duty of the captain or commanding officer of each company, under the penalty of five dollars for every neglect, to read or cauſe to be read, the foregoing articles, at leaſt once in every year, on ſome company day of training.

The foregoing articles to be read annually by the commanding officers of the companies.

Sec. 32. *And be it further enacted by the authority aforeſaid*, That no civil proceſs ſhall be ſerved on any commiſſioned officer, non-commiſſioned officer or private, at any regimental or battalion review, or training of any company, or while going to or returning from the place of ſuch review or training.

Privilege of militia from civil proceſs.

Sec. 33. *And be it further enacted by the authority aforeſaid*, That all and every of the fines and forfeitures by this act made payable, for the recovery of which no mode is herein before pointed out, ſhall be recovered by the inſpectors of the ſeveral brigades, in the name and for the uſe of the commonwealth, by action of debt, before a juſtice of the peace, or in any court of record within this commonwealth, as from the amount thereof they ſhall be more properly cognizable; and the ſaid inſpector ſhall render his accounts for all monies by him received and diſburſed by virtue of this act, to the regiſter-general, for ſettlement, every twelve months; and in caſe of the refuſal or neglect of any brigade-inſpector to render his accounts as aforeſaid, the regiſter-general and the comptroller general, are hereby empowered and directed to proceed againſt him in like manner as they are or may be authoriſed and empowered to proceed

How all other fines are to be recovered.

The brigade-inſpector to exhibit an account of his receipts and diſburſements annually to the regiſter-general.

ceed againſt delinquent county treaſurers, to compel the ſettlement of their accounts; and the payment of monies due the commonwealth thereon, into the ſtate treaſury.

Fines made a fund for militia uſes.

Sec. 34. *And be it further enacted by the authority aforeſaid*, That all monies paid into the treaſury by virtue of this act, ſhall be appropriated for the purpoſe of equipping and furniſhing the militia with arms and every neceſſary apparatus for the defence and ſecurity of the ſtate, and the treaſurer of the commonwealth ſhall keep ſeparate accounts of the ſame.

Horſes to be appraiſed before going into actual ſervice,

and paid for if loſt therein.

Sec. 35. *And be it further enacted by the authority aforeſaid*, That the brigade-inſpector and two reputable citizens, ſhall appraiſe the horſe of each officer who is entitled by the rules of war to keep a horſe, and the horſe of each perſon ſerving as a light-horſeman, immediately before every time of going into actual ſervice, and enter ſuch appraiſement in a book, and in caſe ſuch horſe ſhall be killed, or die in actual ſervice, or be taken by the enemy, otherwiſe than by neglect of the owner, on his producing to the department of accounts, a certificate of the loſs of ſaid horſe, ſigned by the commanding officer of the detachment to which he belonged whilſt in actual ſervice, together with a certificate of the valuation ſo as aforeſaid directed to be made, he ſhall thereupon be paid the full amount of ſuch appraiſement, by an order to be drawn in the uſual manner, on the ſtate treaſurer, to be paid out of the militia funds.

Penalty for fraudulently receiving or holding militia arms or apparatus.

Sec. 36. *And be it further enacted by the authority aforeſaid*, That if any perſon or perſons ſhall knowingly ſell, buy, take or exchange, conceal, or otherwiſe fraudulently or unlawfully receive,

ceive, hold, or detain, or ſhall refuſe to deliver up to the proper brigade-inſpector, after he ſhall give public notice thereof, any arms, accoutrements, colours or drums belonging to this ſtate, or to the United States, on any account or pretence whatſoever, the perſon ſo offending, being convicted thereof before any juſtice of the peace or alderman of the city or county where ſuch offence ſhall be committed, ſhall forfeit and pay for every ſuch offence, treble the value of ſuch arms and accoutrements, to be aſcertained by ſuch juſtice or alderman, and levied at the ſuit of the ſaid brigade inſpector, by diſtreſs and ſale of the offender's goods and chattels, by the juſtice or alderman before whom ſuch offender ſhall be convicted, returning the overplus, if any, on demand, to ſuch offender; and for want of ſuch diſtreſs, ſhall commit ſuch offender to the common gaol of the county, there to remain without bail or mainprize, for any term not exceeding one month, unleſs ſuch money be ſooner paid.

Arms, that were the property of this ſtate prior to the year 1797, how to be collected, repaired and diſtributed.

Sec. 37. *And be it further enacted by the authority aforeſaid*, That the adjutant-general ſhall iſſue his orders to the reſpective brigade-inſpectors, requiring them to collect all the arms that were the property of this commonwealth, on or before the twenty-eighth day of March, one thouſand ſeven hundred and ninety-ſeven, within their reſpective brigades, and within three months after the receipt of ſuch orders, to make report to him of the number ſo collected, and the condition they are in, and whether ſuch arms were in the hands of public officers or private perſons; whereupon the adjutant-general ſhall cauſe all ſuch arms to be equally diſtributed to the reſpective brigade-inſpectors, in proportion to the number of enrolled militia in each brigade, who

who ſhall employ a ſuitable perſon to repair ſuch arms, if neceſſary, and when repaired, on producing the account by the perſon repairing the ſame, to the brigade-inſpector, he ſhall, if he approve thereof, endorſe his warrant on the ſame, directed to the treaſurer of the county, in favor of ſuch perſon, for the amount thereof, which warrant, if counterſigned by the commiſſioners of taxes or a majority of them, ſhall be a voucher to the treaſurer in ſettling his accounts with the regiſter and comptroller-generals, who are hereby authoriſed and directed to inveſtigate and adjuſt the ſame in like manner as other accounts are ſettled; and the reſpective brigade-inſpectors ſhall diſtribute them to the commanding officers of the reſpective regiments within ſuch brigade, in due proportion to the number of men in each regiment, taking an accountable receipt therefor; and the commanding officers of the reſpective regiments ſhall cauſe all ſuch arms to be diſtributed amongſt the different captains or commanding officers of each company within their reſpective regiments, taking receipts therefor as aforeſaid; and it ſhall be the duty of ſuch officers to diſpoſe of ſaid arms in the manner herein after provided.

Sec. 38. *And be it further enacted by the authority aforeſaid*, That if any ſuit or ſuits ſhall be brought or commenced againſt any perſon or perſons, for any thing done in purſuance of this act, the action ſhall be laid in the county where the cauſe of ſuch action did ariſe, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought, may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if the jury ſhall find for the defendant or defendants in ſuch action or actions, or if the plaintiff or plaintiffs ſhall be non-

Suits for acts under this law to be brought only in the proper county.

The general iſſue may be pleaded and ſpecial matter given in evidence;

Proceedings in ſuch ſuits.

non-ſuited, or diſcontinue his or their action or actions after the defendant or defendants ſhall have appeared, or if upon demurrer judgment ſhall be given againſt the plaintiff or plaintiffs, the defendants ſhall have treble coſts, and have the like remedy for the ſame as any defendant or defendants hath or have in other caſes, to recover coſts by law.

Sec. 39. Whereas in and by an act to provide arms for the uſe of the commonwealth, paſſed the twenty-eighth day of March, one thouſand ſeven hundred and nienety-ſeven, it is directed that a due proportion of ſaid arms ſhall be delivered to the colonel or commanding officer of each regiment, and lodged in a ſuitable place or places of depoſit, under the care of the field-officers: And whereas it becomes neceſſary that ſome further proviſion be made for the uſe and diſpoſal of the ſaid arms, and of ſuch other arms as ſhall hereafter be purchaſed and procured for the uſe of the militia of this commonwealth; therefore, *Be it further enacted by the authority aforeſaid*, That when any number of arms ſhall be delivered to the commanding officer of a regiment or battalion, he ſhall, as ſoon as may be, divide ſuch arms among the companies of the regiment, having due regard to the number of men in each, and taking a reſponſible receipt from each captain for the arms delivered to him for the uſe of his company; and the arms ſo delivered ſhall be marked with the number of the regiment and company, and numbered from one progreſſively; and it ſhall be the duty of each captain or commanding officer of the reſpective companies, to appoint a ſuitable perſon near the place where the company uſually meets for training, in whoſe cuſtody ſuch arms ſhall be put; to be cleaned and kept in repair, for the uſe of ſuch militia

Diſtribution of public arms;

how marked.

Where to be depoſited and for whoſe uſe kept in repair.

militia men as the officers of the company ſhall deem unable to procure their own arms agreeably to this act; and the ſaid arms ſhall not be taken from their places of depoſit, except on the days appointed by this act for the exerciſe and diſcipline of the militia, or when they ſhall be called into actual ſervice; and the perſon ſo appointed, ſhall receive ſuch compenſation for his ſervices as a majority of the field-officers of the regiment ſhall deem juſt and reaſonable, to be paid out of the regimental fund.

Of teaching drummers, fifers, buglers and trumpeters.

Sec. 40. *And be it further enacted by the authority aforeſaid*, That if any youth of the age of twelve years, and not exceeding the age of eighteen years, ſhall, with the conſent and approbation of his parents, attach himſelf to any company of militia, for the purpoſe of learning to beat the drum, play on the fife, blow on the bugle horn or trumpet, provided the number ſhall not exceed one perſon for the drum and one for the fife, or one for the bugle horn in each company, and one for the trumpet, for each troop of horſe; every ſuch perſon or perſons ſhall be put under the inſtructions of the drum and fife-major, the bugler or trumpeter, as the caſe may be, whoſe duty it ſhall be to teach ſuch perſon or perſons, in the beſt manner in his power; and as ſoon as ſuch perſon or perſons ſhall be able to perform field duty to the ſatisfaction of the commanding officer of the regiment, he ſhall draw his warrant on the paymaſter of the regiment, in favor of the drum or fife-major, the bugler or trumpeter who may have taught ſuch perſon or perſons as aforeſaid, for the ſum of ten dollars for every perſon ſo taught; and the perſon ſo taught ſhall be furniſhed with a ſuit of regimentals, to be paid for out of the funds of the regiment; and the father of

Compenſation to the teachers,

to the parties taught,

and their fathers exempt

from militia duty.

of every youth who ſhall have been inſtructed as aforeſaid, ſhall be exempted and excuſed from every kind of militia duty ſo long as his ſon ſhall continue to perform the duties of a drummer, fifer, bugler, or trumpeter in any militia company.

When & where the officers ſhall meet together for perfecting themſelves in the military art.

Sec. 41. *And be it further enacted by the authority aforeſaid*, That the fourth Monday in the month of April, and the fourth Monday in the month of September annually, be, and they are hereby appointed for the commiſſioned and ſtaff-officers of the reſpective regiments to meet together at the moſt convenient place, to be fixed by the field-officers of each regiment, for the purpoſe of perfecting and improving themſelves in the military art; and the officers aforeſaid ſhall appear with proper arms and uniform, under the ſame penalty for each neglect as on days of training; and the commanding officer of each regiment ſhall within three days after the appeal appointed by this act, direct his warrant for collecting the fines in this ſection mentioned, to the quarter-maſter of the regiment or other fit perſon, who ſhall within one month after the receipt of ſuch warrant, collect and pay the amount of the ſaid fines to the pay-maſter of the regiment, and ſhall receive for his ſervices the ſame compenſation as is allowed for collecting fines by the nineteenth ſection of this act; which fines ſhall be recovered in like manner, and the perſons entitled to like appeal as thoſe for non-atendance are entitled to by this act; and the fines accruing by virtue of this ſection ſhall be appropriated in ſuch manner as a majority of the officers attending on ſuch days of training may direct.

How fines are to be collected,

to whom paid,

and in what manner appropriated.

Sec. 42. *And be it further enacted by the authority aforesaid*, That a majority of any light-infantry, grenadier, rifle or artillery company, or of any troop of horse, shall have power, at their first meeting in each year, to fix upon, declare and settle what and how many days of training they will have throughout the year, over and above the days herein before appointed for the training and mustering of the militia, for the purpose of improving themselves in military discipline; and it shall be lawful for each and every commanding officer of each and every such company to notify his respective company of such stated days of meeting, and to inflict and levy such fines and penalties on any member who shall refuse or neglect to attend such days of exercise as may be agreed upon by a majority of the company convened for that purpose, which fines shall be collected by a sergeant of each company, by virtue of a warrant under the hands and seals of the commissioned officers of the same, and shall be appropriated for the payment of the music and other contingent expences of the company, and paid on warrants to be drawn by the commanding officer; and the accounts of each company shall be examined and settled once in every year by a committee of three persons, members thereof, to be chosen by ballot, at a meeting of the company convened for that purpose, which the commanding officer is hereby enjoined to do some time in the month of May annually.

Volunteer corps may fix their own days of training and exercise in addition to those prescribed by law:

Of notices and fines in such cases.

Fines how collected,

and appropriated.

Sec. 43. *And be it further enacted by the authority aforesaid*, That the regiment of artillery now commanded by lieutenant-colonel John Connelly, formed prior to the passing of this act, within the bounds of the first division, composed of the militia of the city and county of Philadelphia,

Special provisions in favour of the regiment of artillery commanded by lieutenant-colonel John Connelly.

delphia, ſhall continue as heretofore; and it ſhall and may be lawful for the Governor to cauſe each company of ſaid regiment (not already ſupplied) to be furniſhed with one* piece of braſs or iron field ordnance, at the expence of the ſtate; and the field and other officers of ſaid regiment, ſhall be elected in like manner as is directed by this act for the election of officers in the infantry; and the individuals compoſing ſaid regiment, ſhall be ſubject to the ſame fines and penalties, and be entitled to ſimilar relief as the reſt of the militia of this ſtate is entitled to by this act; and the companies compoſing the ſaid regiment ſhall be called into actual ſervice in rotation, by companies, and not by claſſes, according to the number in rank which each company bears in ſaid regiment, commencing with the company whoſe turn it may next be to perform a tour of duty agreeably to former arrangements of ſaid regiment: *Provided*, Each company ſhall not be leſs than forty-four non-commiſſioned officers and privates.

Proviſion for the widow and children of militia killed in ſervice,

Sec. 44. *And be it further enacted by the authority aforeſaid*, That if any officer, non-commiſſioned officer, or private militia man, or volunteer acting with the militia, reſiding in this ſtate, having a family, ſhall be ſlain in battle, or ſhall die of wounds received in the ſervice of this ſtate, his widow, child or children, ſhall be entitled to ſimilar relief, and under the ſame regulations and reſtrictions as were provided by the act, entitled "An Act to provide for the "more effectual relief of the widows and chil- "dren of the officers and privates of the militia "who have loſt their lives in the ſervice of their "country," paſſed the twenty-ſeventh day of March, one thouſand ſeven hundred and ninety; and if any officer, non-commiſſioned officer or private

and for wounded or diſabled militia,

* *Once* in the original.

private militia man, or volunteer acting with the militia, residing in this state, shall be wounded or otherwise disabled in the service of this state, he shall be entitled to similar relief, and under the same regulations and restrictions as have been provided by an act, entitled "An Act for the "relief of officers, soldiers and seamen, who in "the course of the late war have been wounded "or otherwise disabled in the service of this "state or of the United States," passed the tenth day of March, one thousand seven hundred and eighty-seven, which last aforesaid act, so far as relates to the purposes of this act, is hereby revived and in full force.

The Secretary of the commonwealth to receive proposals for printing the militia law, &c.

Sec. 45. *And be it further enacted by the authority aforesaid*, That the Secretary of the commonwealth is hereby authorised to receive proposals for printing, and under the direction of the Governor, shall cause to be printed and bound in leather, a sufficient number of copies of this act, together with the rules and regulations for the discipline of the troops of the United States by the baron Steuben, which laws the adjutant-general shall, on or before the second Monday in August next, cause to be distributed in the manner following, viz. To every general and field-officer and brigade-inspector, each one copy; to every captain, for the use of his company, one copy; and to every adjutant one copy; and shall also, under the direction of the Governor, cause to be printed and bound in leather, a sufficient number of the articles of war, and cause the same to be distributed in such manner that each general officer, field-officer, and brigade-inspector may have one copy; and the expence of printing, binding and distributing the same, shall be allowed in the settlement of his accounts with the register-general; and it

When and how the copies thereof are to be distributed.

shall

Succeſſors in office to receive the law from their predeceſſors or their repreſentatives.

ſhall be the duty of any officer having ſuch copy or copies, on his going out of office, on demand made, to deliver, or in caſe of death, his executors or adminiſtrators ſhall deliver, under the penalty of five dollars, to the ſucceſſor in office of the perſon ſo going out of office or dying, the aforeſaid copy or copies.

Mode of aſcertaining and recovering the amount of militia fines incurred under former laws.

Sec. 46. *And be it further enacted by the authority aforeſaid*, That in any county within this commonwealth, where there is reaſon to preſume, from the accounts which have been, or which ſhall be rendered by the brigade-inſpectors to the officers of accounts, or from other evidence, that the returns of militia fines incurred under the act, entitled "An Act for the regulation of the militia of the commonwealth of Pennſylvania," paſſed the eleventh day of April, one thouſand ſeven hundred and ninety-three, and the act, entitled "An Act for the regulation of the militia of the commonwealth of Pennſylvania," paſſed the ninth day of April, one thouſand ſeven hundred and ninety-nine, have not been fully and juſtly made, or that the ſaid fines, or ſome part thereof, hath been unjuſtly withheld by any of the ſaid brigade-inſpectors or collectors, it ſhall be the duty of the comptroller-general and regiſter-general and they are hereby enjoined and required to nominate an agent ſkilled in accounts, to be approved of by the Governor, whoſe duty it ſhall be to inveſtigate and aſcertain the accuracy of the ſaid returns and accounts, made by ſuch brigade-inſpector, and for this purpoſe the ſaid agent ſhall have power to call upon thoſe militia officers whoſe duty it was, under the recited acts, to make return of the delinquent militia men, and alſo of all collectors of the fines of ſuch delinquents, and to demand from them the ſaid

inſpectors,

inſpectors, collectors and officers ſeverally, all the returns of delinquents, and other papers and documents relative to the ſaid fines, in their poſſeſſion reſpectively, or copies thereof; and every brigade-inſpector, collector or other perſon, who ſhall refuſe to comply with ſuch demand, ſhall forfeit and pay for every ſuch offence, the ſum of one hundred dollars; and the ſaid agent ſhall have power to examine the ſaid brigade-inſpectors, officers and collectors, on oath or affirmation, touching the ſame, and ſhall report his proceedings to the comptroller-general and regiſter-general, once in every three months; and upon ſuch report being made, they ſhall proceed to recover all ſuch balances as ſhall be found remaining in the hands of the brigade-inſpectors, collectors and militia men, as the laws direct; and the ſaid agent ſhall receive as a compenſation for his ſervices, ſuch daily pay, while employed as aforeſaid, as the comptroller-general and regiſter-general ſhall deem juſt and reaſonable, which ſhall be paid out of the funds for the ſupport of government, by warrant drawn for that purpoſe in the uſual manner.

When this law is to take effect and repeal of former law.

Sec. 47. *And be it further enacted by the authority aforeſaid*, That this act ſhall not have effect until the firſt day of Auguſt next, and that the act, entitled "An Act for the regulation of "the militia of the commonwealth of Pennſyl-"vania," paſſed the ninth day of April, one thouſand ſeven hundred and ninety-nine, ſhall from and after the ſaid firſt day of Auguſt next be, and the ſame is accordingly hereby repealed and made null and void: *Provided always*, That nothing herein contained, ſhall be conſtrued ſo as to revive any former law or laws which in and by the ſaid recited act, is or are repealed and made void, or to prevent the recovery of

of any fines or forfeiture incurred under the ſame.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XC.

An ACT *to authoriſe the Governor to ſubſcribe for a certain number of copies of the Laws of this Commonwealth.*

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania in General Aſſembly met, and it is hereby enacted by the authority of the ſame*, That the Governor of this commonwealth be, and he is hereby required to ſubſcribe for one thouſand copies of the laws of this commonwealth, as propoſed to be printed by Mathew Carey and John Bioren; to be neatly and correctly printed, in ſix volumes, octavo, with a complete index, with notes and references, well bound and lettered, at ten dollars for each ſet; provided that no money ſhall be paid on the above ſubſcription, until the work is completed, examined and approved by the legiſlature, and depoſited in the office of the Secretary of this commonwealth.

The Governor empowered to ſubſcribe for 1000 copies of the laws, to be printed by M. Carey and J. Bioren.

No money to be paid 'till the work is completed.

Sec. 2.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the Governor is hereby directed to require good and sufficient security from the said Mathew Carey and John Bioren, for the faithful performance of their engagements.

Security to be given for the faithful execution of the work.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XCI.

An ACT *authorising the sale of Provisions, Vegetables and Fruit, in the markets of any city, borough or corporate town within this Commonwealth.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall and may be lawful for any person or persons, to sell or expose to sale, provisions, vegetables or fruit, in the markets of any city, borough, or corporate town within this commonwealth: *Provided always*, That such provisions, vegetables, or fruit, shall not have been previously purchased within the limits of such

Any person may expose to sale provisions, &c. in the market of any city or corporate town, which shall not have been previously purchased within the same.

ſuch city, borough, or corporate town; any law to the contrary notwithſtanding.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the ſixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

CHAPTER XCII.

An ACT *to enable purchaſers at Sheriff's or Coroner's ſales to obtain poſſeſſion.*

WHEREAS, great inconveniences have been experienced from the unjuſt detention of lands and tenements ſold by ſheriffs under executions from the ſeveral courts of this commonwealth, the purchaſers whereof have been obliged to bring ejectments, and to ſubject themſelves to all the delays and expences incident to law proceedings, to recover the poſſeſſion from the perſon as whoſe property the ſame was originally ſold, the deſperate circumſtances of whom uſually preclude the poſſibility of obtaining damages, or any other compenſation whatever, for ſuch unjuſt detention: For remedy whereof,

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania,*

Pennſylvania, in General Aſſembly met, and it is hereby enacted by the authority of the ſame, That where any lands or tenements ſhall hereafter be ſold by the ſheriff or coroner of any county, by virtue of any execution iſſued out of any court of record of this commonwealth, it ſhall be lawful for the purchaſer or purchaſers thereof, to give notice to the defendant or defendants, as whoſe property the ſame has been or may be ſold, or to the perſon or perſons being in poſſeſſion of the ſame lands and tenements, under him or them, that the ſame premiſes have been ſold, and to require him or them to ſurrender up the poſſeſſion to the purchaſer or purchaſers thereof, within three months after the date of ſuch notice; and if the defendant or defendants, or perſon or perſons in poſſeſſion under him or them, ſhall neglect or refuſe to comply therewith in three months after ſuch notice ſhall ſo as aforeſaid have been given, it ſhall and may be lawful to and for ſuch purchaſer or purchaſers, his or their heirs or aſſigns, to complain thereof to any two juſtices of the city, town or county where the premiſes are ſituate, and upon due proof made before the ſaid juſtices, that the ſaid complainant or complainants had purchaſed the ſaid lands or tenements at ſheriff's or coroner's ſale (of which the deed poll executed by the ſaid ſheriff or coroner, if duly acknowledged in the proper court, and certified under the ſeal of the ſame court, ſhall be concluſive evidence) and that the perſon or perſons then in poſſeſſion, is or are the defendant or defendants as whoſe property the ſame lands or tenements were ſold, or came into poſſeſſion thereof under him or them, and that the ſame perſon or perſons ſo in poſſeſſion, had notice of ſuch ſale three months previous to ſuch complaint and application; then and in ſuch caſe, it ſhall and may be

The purchaſer of lands, &c. at ſheriff's ſale to give notice thereof to the defendant or perſon in poſſeſſion, requiring him to ſurrender up the ſame, and manner of proceeding to gain the poſſeſſion, where it is withheld for 3 months after ſuch notice.

lawful for the ſaid juſtices to whom complaint ſhall be made as aforeſaid, and they are hereby enjoined and required forthwith to iſſue their warrant, in nature of a ſummons, directed to the ſheriff of the county, thereby commanding the ſaid ſheriff to ſummon a jury of twelve good and lawful men of his bailiwick, to appear before the ſaid juſtices within four days next after iſſuing thereof, and alſo to ſummon the ſaid defendant or defendants, as whoſe property the ſame premiſes were ſold, or the perſon or perſons in poſſeſſion under him or them, at the ſame time, to appear before them the ſaid juſtices and the jury aforeſaid, to ſhew cauſe, if any he or they has or have, why delivery of the poſſeſſion of the ſame lands and tenements, ſhould not be forthwith made to ſuch purchaſer or purchaſers, his or their heirs or aſſigns, and if upon hearing the parties, or in caſe of the non-appearance of the ſaid defendant or defendants; as whoſe property the ſame premiſes had been ſold, or other perſon or perſons claiming or coming into poſſeſſion under him or them, after being duly ſummoned as aforeſaid, it ſhall appear to the ſaid juſtices and jury, that the complainant or complainants, or the perſon or perſons under whom they claim, was or were the purchaſer or purchaſers, at ſheriff's or coroner's ſale, of the lands and tenements in queſtion, of which the ſheriff's or coroner's deed-poll, duly acknowledged and certified under the ſeal of the proper court, ſhall, as aforeſaid, be full and concluſive evidence, and that the perſon or perſons in poſſeſſion of the premiſes, was or were the defendant or defendants named in the execution under which the ſame premiſes were ſold, or came into poſſeſſion under ſuch defendant or defendants, and that ſuch defendant or defendants, or the perſon or perſons in poſſeſſion of the

the premiſes under him or them, had notice of ſuch ſale three months before ſuch application to the ſaid juſtices, then and in every ſuch caſe, it ſhall and may be lawful for the ſaid two juſtices to make a record of ſuch finding by them the ſaid juſtices and jury aforeſaid, and the ſaid jury ſhall aſſeſs ſuch damages as they think right, againſt the ſaid defendant or defendants, as whoſe property the ſame premiſes were ſold, or other perſon or perſons in poſſeſſion under him or them, for the unjuſt detention of the premiſes, for which damages and reaſonable coſts, judgment ſhall be entered by the ſaid juſtices, which judgment ſhall be final and concluſive to the parties, and upon which the ſaid juſtices ſhall, and they are hereby enjoined and required to iſſue their warrant, under their hands and ſeals, directed to the ſheriff of the county, commanding him forthwith to deliver to the ſaid complainant or complainants, his or their heirs or aſſigns, full poſſeſſion of the ſaid lands and tenements, and to levy the coſts taxed by the juſtices, and damages ſo by the jury aforeſaid aſſeſſed of the ſaid defendant or defendants, or other perſon in poſſeſſion as aforeſaid; and no certiorari which may be iſſued to remove ſuch proceedings, ſhall be a ſuperſedeas, or have any effect to prevent or delay the execution aforeſaid, or the delivery of the poſſeſſion, agreeably thereto.

The mode of proceeding where the perſon in poſſeſſion diſclaims to hold under the defendant named in the execution by virtue whereof the ſale was made.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That if the perſon in poſſeſſion of the premiſes ſhall make oath or affirmation before the ſaid juſtices, that he hath not come into poſſeſſion, and doth not claim to hold the ſame by, from, or under the defendant or defendants named in the execution by virtue whereof the ſame lands or tenements were ſold, and

and that the title to the lands and tenements in queſtion, is diſputed and claimed by ſome perſon or perſons (other than the defendant or defendants named in the execution under which the ſame were ſold) whom he ſhall name, and if thereupon the perſon or perſons ſo claiming, ſhall forthwith, or upon a ſummons immediately to be iſſued by the ſaid juſtices, returnable within a reaſonable time, not exceeding thirty days next following, appear before them, and on oath or affirmation, to be by the ſaid juſtices adminiſtered, declare that he verily believes that he is legally entitled to the premiſes in diſpute, and that he doth not claim the ſame by, from, or under the defendant or defendants as whoſe property the ſame were ſold, but by a different title, and ſhall become bound, with one or more ſufficient ſureties, by recognizance, to the complainant or complainants, before the ſaid juſtices, in a ſum fully ſufficient to cover and ſecure, as well the value of the rents or meſne profits of the ſaid lands or tenements, which may have accrued and which may be expected to accrue before the final deciſion of the ſaid claim, as all coſts and damages, conditioned to proſecute his claim with effect, at the next court of common pleas to be held for the county where the ſaid lands and tenements ſhall be; and in caſe of failure to proſecute as aforeſaid, to ſurrender up the ſaid premiſes, and to pay to the ſaid complainant or complainants, the full value of the rents or meſne profits of the premiſes accrued from the time of the purchaſe; then and in ſuch caſe, but not otherwiſe, the ſaid juſtices ſhall forbear to give the ſaid judgment: *Provided always nevertheleſs*, That if the ſaid claim ſhall not be proſecuted according to the intent and meaning of the ſaid recognizance, it ſhall be forfeited to the uſe of the ſaid complainant

ant or complainants, and the juſtices aforeſaid ſhall proceed to give judgment, and cauſe the lands and tenements aforeſaid to be delivered up to the ſaid complainant or complainants, in the manner herein before enjoined and directed.

Sec. 3. *And be it further enacted by the authority aforeſaid*, That where any lands or tenements ſhall hereafter be ſold by any ſheriff or coroner as aforeſaid, which ſhall be at the time of ſuch ſale, or at any time afterwards, held or poſſeſſed by any tenant or leſſee, or perſon holding or claiming to hold the ſame under the defendant or defendants named in the execution by virtue whereof the ſame lands or tenements ſhall be ſold by ſuch ſheriff or coroner, the purchaſer or purchaſers of the ſame lands or tenements ſhall (after receiving the ſheriff's or coroner's deed for the ſame) be conſidered as the landlord or landlords to ſuch tenant or leſſee, or perſon claiming to hold the ſame under the aforeſaid defendant or defendants, and ſhall have the like remedies, by diſtreſs or otherwiſe, to recover any rents due ſubſequent to ſuch ſale, as the ſame defendant or defendants as whoſe property the ſame lands or tenements ſhall be ſo ſold, might or could have, if no ſuch ſale ſhould take place; and if after notice of ſuch ſale, the ſaid tenant or leſſee, or other perſon occupying the premiſes as aforeſaid, ſhall pay any rent to the ſaid defendant or defendants as whoſe property the ſame premiſes may have been or ſhall be ſold as aforeſaid, the ſaid tenant or leſſee, or other occupier as aforeſaid, ſhall be liable to repay the ſame to the purchaſer or purchaſers aforeſaid.

Where a ſale has been made in manner aforeſaid of lands, &c. then under leaſe, the purchaſer to ſtand in the place of the leſſor and be entitled to receive the rents, &c.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That from and after the paſſing of this act, every tenant or other perſon, who

Tenants, within 3 months after demand

made, to give security to purchasers for the mesne profits that may accrue pending the suit for recovering possession, and in case of refusal shall be liable to a distress, &c.

who now is or hereafter shall be in possession of any lands or tenements which heretofore have been sold by or at a sheriff's or coroner's sale, shall within three months after demand for that purpose, made by recognisance duly acknowledged, give to the purchaser or purchasers thereof at such sale, their assigns or legal representatives, being in possession of the sheriff's or coroner's deed, duly acknowledged, sufficient sureties, to be approved of by at least one of the associate judges of the proper county, for all the mesne profits or rents that shall or may probably accrue from the time of such demand until the final decision of any ejectment now pending, or which shall hereafter be sued out or brought for recovering, under and by virtue of such deed, the possession of any lands or tenements so as aforesaid sold; but if any such tenant or other person so as aforesaid in possession, shall for three months after demand so as aforesaid made, neglect or refuse to give sureties in manner aforesaid, then and in every such case, it shall and may be lawful for such purchaser or purchasers, to proceed by distress or otherwise, for the recovery of such mesne profits or rents, in the same manner in which landlords now may lawfully proceed for the recovery of any rents due: *Provided always*, That nothing in this section contained, shall be so construed as to impair any contract heretofore made between any landlord or tenant.

Proviso in favour of contracts heretofore made.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER XCIII.

An ACT *to provide for the payment of certain expences of the Executive Department, and for other purposes.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the payment of the following debts and expences of government, there be and is appropriated, out of the funds for the support of government, the sum of forty-two thousand four hundred forty-three dollars and ninety-two cents; that is to say: For printing, stationary, attendants, expresses, fuel, and other contingent expences of the executive department for one year from the first day of April, the present month, including all balances which former appropriations are not sufficient to discharge, the sum of one thousand and twenty dollars and forty-two cents; for the payment of clerk-hire in the office of the Secretary of the commonwealth, the sum of one thousand eight hundred dollars; for continuing the salary of the deputy-secretary, three hundred dollars; for the payment of certain certificates issued under the authority of the act, entitled "An Act to provide "for the settlement of the public accounts, and "for other purposes therein mentioned;" passed the fourth day of April, one thousand seven hundred and ninety-two, the sum of thirty-five thousand five hundred and sixty dollars; for the payment of clerks in the office of comptroller-general, in settling the accounts of the former and

Appropriation for the year 1802;

Specification of the objects.

and late comptroller-general and ſtate treaſurer, the ſum of eight hundred dollars; and for the office of ſurveyor-general, to arrange and bring forward the buſineſs of that office, three hundred dollars, for which he ſhall account; for the purpoſe of clerk hire in the office of the ſecretary of the land-office, to ſelect, arrange, endorſe and file all the proprietary locations, and for other purpoſes, the ſum of four hundred dollars; for the payment of a balance due to Solomon Meyer, for printing the German journals of the laſt ſeſſion, the ſum of one hundred twenty-five dollars and fifty cents; for the payment of balance due to William and Robert Dickſon, for printing bills for the laſt houſe of repreſentatives, one hundred fifty dollars; for the payment of a balance due to Francis Bailey, for printing the Engliſh journals of the laſt houſe of repreſentatives, the ſum of three hundred thirty dollars; for the payment of a balance due to George Bryan, for drafting bills for a former houſe of repreſentatives, the ſum of twenty-four dollars; for the payment of a balance due to Charles Culnan, for taking care of the ſtate-houſe and yard thereunto adjoining, the ſum of eight dollars; for a balance due to Benjamin H. Latrobe, for improving the navigation of the river Suſquehanna, and for ſome further improvements of the navigation of ſaid river, the ſum of two thouſand one hundred twenty-ſix dollars.

An account to be exhibited to the next legiſlature, of the expences of the executive department.

Sec. 2. *And be it further enacted by the authority aforeſaid*, That the Governor ſhall lay before the next general aſſembly, a particular account of the expences of the executive department.

Sec. 3.

Sec. 3. *And be it further enacted by the authority aforesaid*, That all warrants to be drawn on the treasury by the Governor, for the sums of money appropriated by this act, shall be under the same regulations and restrictions as are directed by law in other cases.

Warrants to be issued in the usual manner for the sums appropriated by this act.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the comptroller-general and register-general shall, on the first Monday in January next, lay before the legislature a statement of the progress made in the settlement of the accounts of the present and former county treasurers for the arrears of state taxes, under the act passed at the present session of the legislature, entitled "An Act to facilitate the settlement of the accounts of the former and present county treasurers for arrears of state taxes."

A certain duty enjoined on the comptroller general & register-general.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

JOHN PEARSON, *Speaker of the Senate.*

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

Resolutions.

I.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

WHEREAS, a vacancy happened in the ſenate of the United States in the receſs of the general aſſembly of this commonwealth, by the reſignation of Peter Muhlenburgh, eſquire: Therefore,

Reſolved by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, That the members of both houſes ſhall aſſemble in the chamber of the houſe of repreſentatives at the hour of twelve, on Wedneſday the ſixteenth day of December inſtant, and then and there elect a ſenator to repreſent this ſtate in the ſenate of the United States, which election ſhall be conducted in the following manner, viz. Before the time of meeting, each houſe ſhall appoint one teller, and nominate one or more candidate or candidates for ſenator, and one day previouſly to the ſaid meeting, communicate to each other the name or names of the perſon or perſons ſo by them reſpectively appointed and nominated: At the meeting, the ſpeaker of the Senate, or in his abſence the ſpeaker of the houſe of repreſentatives ſhall preſide. The names of the perſons voted for, and the members voting, ſhall be

Proceedings in electing a ſenator to repreſent this ſtate in the ſenate of the U. S.

be entered in writing, by the tellers, who ſhall report to the preſident the number of votes given for each candidate. If neither of the candidates ſhall have a majority of votes of the whole number of the members preſent, a ſecond poll ſhall be taken, and ſo from time to time, until ſome one of the candidates ſhall have a majority of votes of the whole number of the members preſent. If the election ſhall not have been completed at the firſt meeting, the preſident ſhall adjourn to ſuch time as a majority of the members then preſent ſhall agree, and ſo from time to time, until the election ſhall have been finally cloſed; whereupon the preſident ſhall announce the perſon having a majority of votes of the whole number of members preſent, to be duly elected a ſenator to repreſent this ſtate in the ſenate of the United States; and the preſident ſhall, in the preſence of the members of both houſes, ſign four ſeveral certificates of the election, atteſted by the tellers; one of which certificates ſhall be tranſmitted to the preſident of the ſenate of the United States; one to the perſon ſo elected; and the remaining two ſhall be preſerved among the records, one of which to be entered on the journal of the ſenate, the other on the journal of the houſe of repreſentatives.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—December the fourteenth, 1801:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

COM-

Reſolutions.

I.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

WHEREAS, a vacancy happened in the ſenate of the United States in the receſs of the general aſſembly of this commonwealth, by the reſignation of Peter Muhlenburgh, eſquire: Therefore,

Proceedings in electing a ſenator to repreſent this ſtate in the ſenate of the U. S.

Reſolved by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, That the members of both houſes ſhall aſſemble in the chamber of the houſe of repreſentatives at the hour of twelve, on Wedneſday the ſixteenth day of December inſtant, and then and there elect a ſenator to repreſent this ſtate in the ſenate of the United States, which election ſhall be conducted in the following manner, viz. Before the time of meeting, each houſe ſhall appoint one teller, and nominate one or more candidate or candidates for ſenator, and one day previouſly to the ſaid meeting, communicate to each other the name or names of the perſon or perſons ſo by them reſpectively appointed and nominated: At the meeting, the ſpeaker of the Senate, or in his abſence the ſpeaker of the houſe of repreſentatives ſhall preſide. The names of the perſons voted for, and the members voting, ſhall be

be entered in writing, by the tellers, who ſhall report to the preſident the number of votes given for each candidate. If neither of the candidates ſhall have a majority of votes of the whole number of the members preſent, a ſecond poll ſhall be taken, and ſo from time to time, until ſome one of the candidates ſhall have a majority of votes of the whole number of the members preſent. If the election ſhall not have been completed at the firſt meeting, the preſident ſhall adjourn to ſuch time as a majority of the members then preſent ſhall agree, and ſo from time to time, until the election ſhall have been finally cloſed; whereupon the preſident ſhall announce the perſon having a majority of votes of the whole number of members preſent, to be duly elected a ſenator to repreſent this ſtate in the ſenate of the United States; and the preſident ſhall, in the preſence of the members of both houſes, ſign four ſeveral certificates of the election, atteſted by the tellers; one of which certificates ſhall be tranſmitted to the preſident of the ſenate of the United States; one to the perſon ſo elected; and the remaining two ſhall be preſerved among the records, one of which to be entered on the journal of the ſenate, the other on the journal of the houſe of repreſentatives.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—December the fourteenth, 1801:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

COM-

II.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

IN THE HOUSE OF REPRESENTATIVES.

RESOLVED *by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met,* That for the uſe of the legiſlature, the Governor be requeſted to apply to the ſecretary of ſtate of the United States, for a copy of the laſt cenſus of this ſtate, which may diſtinguiſh the number of the inhabitants thereof within each of the ſeveral counties, agreeably to the cenſus and return made in purſuance of the act of congreſs for that purpoſe lately paſſed.

ISAAC WEAVER, *junior, Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-third, 1802 :
THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

III.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

WHEREAS, the general aſſembly of Pennſylvania have ſeen with much concern, an act paſſed at the laſt ſeſſion of congreſs, entitled "An Act to provide for the more convenient

venient organization of the courts of the United States," which they conſider as inconſiſtent with the common intereſt of the United States.

Firſt—Becauſe they conceive the judiciary, as eſtabliſhed previous to the paſſing of the ſaid act, to be fully competent to tranſact all buſineſs which might conſtitutionally be brought before them.

Second—Becauſe an expence was thereby incurred inconſiſtent with that economy which ought to prevail, and, as they apprehend, not warranted by any exiſting circumſtances; and

Third—Becauſe, although they have all due confidence in the chief magiſtrate of theſe United States, they conceive an undue influence is thereby created, which they deem incompatible with the ſpirit and principles of the federal government: Therefore,

Reſolved, by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, That the ſenators repreſenting this ſtate in the ſenate of the United States, be hereby inſtructed to uſe their utmoſt endeavors to procure a repeal of the ſaid act; and that the Governor of this commonwealth be requeſted to tranſmit to the ſaid ſenators, a copy of this reſolution.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the tenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

COM-

IV.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

Reports of the state treasurer and the comptroller and register-general, by whom to be printed.

RESOLVED *by the Senate and House of Representatives of the Commonwealth of Pennsylvania*, That one thousand and fifty copies of the state treasurer's statement of the receipts and expenditures in the treasury, be printed by Francis Bailey, and one thousand and fifty copies of the comptroller and register-general's statement of the finances of the commonwealth, be printed by William and Robert Dickson; and that eight hundred copies of the state treasurer's statement of the receipts and expenditures in the treasury be printed in the German language, by Snowden and M'Corkle, and that eight hundred copies of the comptroller and register-general's statement of the finances of the commonwealth be printed in the German language, by Christian J. Hutter; and one copy of each statement be annexed to each copy of the journal of the senate and of the house of representatives respectively, and that the surplus remain to the use of the members of the legislature.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the nineteenth, 1802.

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

V.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

RESOLVED *by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met*, That the laws of this commonwealth, commencing with the fifth volume, alſo the journals and bills of future legiſlatures, ſhall hereafter be printed in form and manner following, viz. Of printing the laws, journals and bills of future legiſlatures.

I. The laws ſhall be printed in octavo form, with pica type, on medium paper, No. 2; each page to contain, including marginal references, not leſs than one thouſand m's. How the laws are to be printed.

II. The journal ſhall be printed in octavo form, with pica type, on medium paper, No. 3; each page to contain not leſs than one thouſand m's. The journals.

III. The bills ſhall be printed in folio, with pica type, and on foolſcap paper, No. 2; each page to contain not leſs than ſix hundred m's of matter, excluſive of riglet ſpacing. The bills.

And the Secretary of the commonwealth is hereby authoriſed, during the receſs of the legiſlature, to receive propoſals for printing the laws, journals and bills, as aforeſaid, and other printing incident to the reſpective houſes, which propoſals ſhall be accompanied with ſufficient ſecurities for the proper execution of the work. The ſecretary of the commonwealth to receive propoſals during the receſs of the legiſlature, for printing the laws, &c.

And

and to lay the same before the general assembly annually.

And it shall be the duty of the Secretary of the commonwealth, to lay before the general assembly annually, as soon as the same shall be organized, such proposals as he shall have received during the recess of the legislature, for the printing of the journals and bills, with the name or names of the printers endorsed thereon; and he is hereby directed to lay the proposals for printing the laws of the present session before the Governor, within one month after the passing of this resolution; and in future, on or before the second Tuesday in December annually.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the nineteenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

VI.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

WHEREAS, two causes are now pending in the supreme court of this commonwealth, in the issue of which the interest of the state will be immediately affected: The one a suit brought against the commonwealth by William Turnbull, representative of William Turnbull and company

company, agents for the royal marine of France; the other a ſuit brought by the comptroller-general, againſt the heirs and deviſees of David Rittenhouſe, late ſtate treaſurer: Therefore,

Reſolved, by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met, That the comptroller-general be, and he is hereby authoriſed and required to employ one able counſel, learned in the law, to aſſiſt the attorney-general in defending, and alſo in ſupporting the rights and intereſts of the commonwealth in the trial of the cauſes aforeſaid, and that the expence thereon accruing, ſhall be paid out of the aggregate funds of this commonwealth.

The comptroller-general empowered to employ counſel to aſſiſt the attorney-general in the trial of certain cauſes now pending.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the nineteenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

VII.

RESOLVED, *by the Senate and Houſe of Representatives of the Commonwealth of Pennſylvania, in General Aſſembly met,* That it ſhall and may be lawful for Charles Wilſon Peale to remove his muſeum into the eaſt end of the ſtate-

Charles W. Peale authoriſed to occupy the eaſt end of the ſtate-houſe for the uſe of his muſeum &c

ſtate-houſe, in Philadelphia, and to uſe the lower ſtory of the eaſt end, except the room formerly occupied by the legiſlature as a committee-room, and the whole of the upper ſtory, as he may find moſt convenient for the arranging and diſplaying the ſaid muſeum, during the pleaſure of the legiſlature: *Provided*, That the houſe receive no injury, and that the citizens of Philadelphia ſhall not be prevented from holding their general elections at the ſtate-houſe, according to law, nor interrupted in the uſe of it for holding the ſaid elections: And that it ſhall be lawful for and the duty of the aforeſaid Charles Wilſon Peale, and that in conſideration of the aforeſaid privilege, it ſhall be his duty to take the charge and care of the ſtate-houſe and ſtate-houſe yard; and that in diſcharge of this truſt, he ſhall open the doors of the hall, and permit the citizens to walk in the yard for recreation, and paſs and repaſs at ſeaſonable hours, as heretofore; and that he ſhall be reſponſible for the diſcharge of this truſt, agreeably to law, until it is otherwiſe provided by the legiſlature.

Conditions annexed to the privilege.

What he is to do in conſideration thereof.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the ſeventeenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

COM-

VIII.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

RESOLVED, *by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, in General Aſſembly met*, That the Governor of this commonwealth be, and he is hereby requeſted to preſent to Andrew Ellicot, eſquire, for his uſe, during the pleaſure of the legiſlature, the teleſcope purchaſed in the year one thouſand ſeven hundred and ſixty-nine, now the property of this ſtate, with all the apparatus belonging thereto, put in complete repair at the expence of the commonwealth.

Andrew Ellicot, eſquire, to have the uſe of a teleſcope, the property of this ſtate, during the pleaſure of the legiſlature.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

JOHN PEARSON, *Speaker of the Senate.*

APPROVED—April the ſixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

IX.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

WHEREAS, it is underſtood that the legiſlature of the ſtate of Maryland, have by law granted, on certain conditions, to the Suſquehanna canal company of the ſaid ſtate, half tolls, to be regulated by a future act of the

ſaid

ſaid legiſlature, on all produce and lumber conveyed down the bed of the river Suſquehanna from this commonwealth into the ſaid ſtate of Maryland: And whereas this ſtate, for the mutual benefit of each ſtate, and the citizens thereof, hath freely expended conſiderable ſums of money in improving the navigation of the ſaid river, without impoſing or demanding any compenſation or toll from perſons navigating the ſame.

The Governor to correſpond with the executive of Maryland, relative to the navigation of the river Suſquehanna.

Reſolved, by the Senate and Houſe of Repreſentatives of the Commonwealth of Pennſylvania, That the Governor is hereby requeſted to correſpond with the executive of the ſtate of Maryland, upon the ſubject of the aforeſaid grant, and to lay before the next general aſſembly of this commonwealth, any information that may be received in conſequence of ſuch correſpondence, in order that ſuitable meaſures may be deviſed to counteract the evils that would reſult from the operation of the law aforeſaid.

ISAAC WEAVER, *junior*, *Speaker of the Houſe of Repreſentatives.*

JOHN PEARSON, *Speaker of the Senate.*

APPROVED—April the ſixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennſylvania.*

TABLE

TABLE OF CONTENTS.

Chapter		*Page*
I.	An act to tax the office of the Prothonotary or Clerk of the Supreme Court.	3
II.	An act for the relief of Edmund Milne.	6
III.	An act altering the manner of electing a Treasurer of the corporation of the city of Philadelphia.	7
IV.	An act for the establishment of a College at Canonsburg, in the county of Washington, in the Commonwealth of Pennsylvania.	8
V.	An act to erect Penn township in the county of Northampton, into a new election district.	15
VI.	An act to erect a new election district in the county of Somerset.	16
VII.	An act to erect Half-moon and Patton townships, in the county of Centre, into a new election district.	17
VIII.	An act for erecting two election districts in the county of Montgomery.	*ibid*
IX.	A supplement to the act, entitled "An "act to erect the town of Sunbury, "in the county of Northumberland, "into a borough."	18
X.	A supplement to the act, entitled "An "act to erect part of Washington "county, into a separate county."	19
XI.	An	

Chapter *Page*

XI. An act limiting the operation of Caveats entered in the Land-office of this commonwealth, againſt the iſſuing of Patents. 21

XII. An act to repeal part of an act, entitled "An act to prevent the deſtruction "Rock-fiſh and Oyſters." 23

XIII. An act to extend the time for patenting lands, and for other purpoſes. 24

XIV. An act to alter and amend the Health-laws of this State, ſo far as reſpects veſſels, goods and paſſengers coming from any port or place in the State of Delaware. 25

XV. An act for the relief of Peter Williams. 28

XVI. An act further to encourage the killing of Wolves. 29

XVII. An act to authoriſe the ſale of the eſtate of Catharine Erringer, a lunatic, and for other purpoſes therein mentioned. 30

XVIII. An act to direct the manner, time and places of holding elections for Electors of Preſident and Vice-preſident of the United States. 32

XIX. An act declaring the holding of offices or appointments under this State, incompatible with the holding or exerciſing offices or appointments under the United States. 37

XX. An act for the relief of William Hill, of the State of Maſſachuſetts, and Eſther his wife, and to confirm in Burton Wallace and his heirs forever, the title to a certain meſſuage and lot of ground therein mentioned. 45

XXI. An

Chapter *Page*

XXI. An act to facilitate the settlement of the accounts of the former and present county Treasurers, for arrears of State taxes. 49

XXII. An act to prescribe the times, places and manner of choosing Senators to represent this State in the Senate of the United States. 52

XXIII. An act to erect Mahantango township, in the county of Berks, into a separate election district. 54

XXIV. An act for the relief of John Berrell. 55

XXV. An act altering the place of holding the elections in Air township, in the county of Bedford. 58

XXVI. A further supplement to the act, entitled "An act to incorporate the "district of Southwark." *ibid*

XXVII. An act erecting the township of Conemaugh, in the county of Somerset, into a separate election district. 60

XXVIII. An act erecting certain election districts in the county of York. 61

XXIX. An act for the relief of Michael Cox. 62

XXX. An act to enable James Wickersham, Samuel Garretson and Ezekiel Kirk, to convey a certain piece of land, in the township of Newbury, York county. 64

XXXI. An act to erect the town of Canonsburg, in the county of Washington into a borough. 66

XXXII. An act declaring Ten-mile creek, from the mouth thereof, to Jacob Adams' mill, in the county of Greene, a public highway. 73

XXXIII. An

Chapter *Page*

XXXIII. An act regulating the office of Juſtice of the Peace, and for other purpoſes. 75

XXXIV. An act to provide for the education of poor children gratis. 76

XXXV. An act altering the place of holding elections in the fourth diſtrict, in the county of Northampton. 78

XXXVI. An act altering the place of holding elections in the fifth diſtrict, in the county of Cumberland. 7

XXXVII. An act to authoriſe John Sherer, to erect a wing-dam on Monongahela river, in the county of Allegheny. 8

XXXVIII. An act to erect Deer townſhip, in the county of Allegheny, into a ſeparate election diſtrict. 8

XXXIX. An act altering the place of holding the general elections, in the ſecond election diſtrict in the county of Weſtmoreland. *ibi.*

XL. An act altering the place of holding the general election, in the diſtrict compoſed of Wheatfield and part of Fairfield townſhips, in the county of Weſtmoreland. 8

XLI. An act for the relief divers inhabitants of the county of Adams. 8

XLII. An act for the erection of certain election diſtricts in the county of Mercer. 8

XLIII. A ſupplement to the act, entitled "An act to authoriſe the Governor of this Commonwealth, to incorporate a company for erecting a bridge over the river Delaware at the borough of Eaſton, in the county of Northampton." 8

XLIV. A

Chapter *Page*

XLIV. An act altering the place of holding the general elections in Wyalusing district, in the county of Luzerne. 89

XLV. An act altering the place of holding the general elections, in the fourth election district, composed of the township of Bald-Eagle, in Centre county. 90

XLVI. An act for the relief Lewis Garanger. 91

XLVII. An act to enable the Trustees of the religious society of Moravians or United Brethren, in Mountjoy township, Lancaster county, to convey certain land therein mentioned to Henry Meyer. 92

XLVIII. An act granting unto Thomas Smith and John Smith, an island and bar in the river Delaware. 94

XLIX. An act to repeal so much of the act, entitled "A supplement to the act, "entitled "An act to prevent the "receiving any more applications, "or issuing any more warrants, "except in certain cases, for lands "within this Commonwealth, passed September the twenty-second, "one thousand seven hundred and "ninety-four, as interferes with "the act, entitled "An act directing the sale of certain islands in "the river Susquehanna, passed the "sixth of March, one thousand seven hundred and ninety-three." 96

L. An act to empower the Trustees of the English Presbyterian church, in Allen townshiip, in the county of Northampton, to make conveyance and assurance of the tract or piece of land therein mentioned. 97

Chapter *Page*

LI. An act to revive and continue an act, entitled "An act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned; and also, An act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and lock navigation, between the rivers Schuylkill and Susquehanna, by the waters of Tulpehoccon, Quittapahilla and Swatara, in the counties Berks and Dauphin." 101

LII. An act to continue certain suits entered in the court of common pleas, for the county of Westmoreland, in the name of Thomas Mifflin, late Governor, and John Nicholson, late Comptroller-General of Pennsylvania 10

LIII. An act to enable General John Steele and William Calhoun, to sell and convey a certain tract of land therein mentioned. 10

LIV. An act incorporating the Magdalen Society, in the city of Philadelphia. 10

LV. An act to erect Allegheny township, in the county of Armstrong, into an election district. 11

LVI. An act authorising the Comptroller and Register-Generals, to receive certain evidences of State debt due to individuals, in discharge of the sureties of the former Comptroller-General, John Nicholson. 11

LVII. A

Chapter		Page
LVII.	An act for the relief of the eſtate of Sarah Caldwell.	113
LVIII.	An act to erect the town of Beaver, in the county of Beaver, into a borough, and for other purpoſes.	116
LIX.	A ſupplement to an act, entitled "An act to repeal part of an act of the Aſſembly of the late Province of Pennſylvania, entitled "An act declaring the river Suſquehanna and other ſtreams therein mentioned, public highways, for improving the navigation of the ſaid river and ſtreams, and preſerving the fiſh in the ſame."	122
LX.	An act for the relief of Iſaac Wiley and James Calhoun.	125
LXI.	An act to erect a ſeparate election diſtrict in the county of Allegheny.	126
LXII.	A ſupplement to "An act for ſecuring the city of Philadelphia and the neighbourhood thereof, from damage by Gun-powder;" and alſo to "An act for providing for the inſpection of Gun-powder."	127
LXIII.	An act diſſolving the marriage between David M'Kiſſick and Margaret his wife.	129
LXIV.	An act for erecting certain election diſtricts in the counties of Northampton and Bedford.	131
LXV.	An act in aid of the congregation of Bangor church, in Carnarvon townſhip, in the county of Lancaſter.	132
LXVI.	An act authoriſing executors and adminiſtrators, in certain caſes, to convey lands ſold by their decedents by order of Orphans' Court.	133

Chapter *Page*

LXVII. An act to erect the townſhip of Brecknock and part of the townſhip of Cocalico, in the county of Lancaſter, into a ſeparate election diſtrict. 135

LXVIII. An act to appoint new truſtees for Mifflin county. 136

LXIX. An act to diſſolve the marriage contract between John Kunius and Bathſheba his wife, late Bathſheba Troth. 138

LXX. A further ſupplement to the act, entitled "An act to eſtabliſh the Judi- "cial courts of this Common- "wealth." 140

LXXI. An act to veſt in the Truſtees of the Roman Catholic Society of St. Mary's Church, in the city of Philadelphia, for the benefit of the Poor of ſaid Society, ſuch part of the eſtate of Peter Bonaventure d'Artois, as is declared to have eſcheated to the Commonwealth. 141

LXXII. An act authoriſing the Governor to diſcharge the debt due from this Commonwealth to the Bank of Pennſylvania, and for other purpoſes. 143

LXXIII. An act to provide for the election of Repreſentatives of the People of this State, in the Congreſs of the United States. 145

LXXIV. An act to complete the benevolent intention of the Legiſlature of this Commonwealth, by diſtributing the Donation Lands to all who are entitled thereto. 149

LXXV. An act to ſettle the controverſies ariſing from contending claims to lands within that part of the territory of this Commonwealth, north and weſt of

Chapter *Page*

of the rivers Ohio and Allegheny, and Conewango creek. 153

LXXVI. An act to empower the Truſtees of Crawford county, to erect a ſuitable building for a ſeminary of learning in the town of Meadville. 161

LXXVII. An act to annex the townſhip of Dunbar, in Fayette county, to the fourth election diſtrict. 163

LXXVIII. An act authoriſing the Comptroller-General and Regiſter-General, to liquidate and ſettle certain expenſes incurred under the act, entitled "An "act ſupplementary to an act, en- "titled "An act to prevent intru- "ſions on lands within the counties "of Northampton, Northumber- "land and Luzerne, and for other "purpoſes therein mentioned." 164

LXXIX. An act to provide for the removal of the ſeat of juſtice in Wayne county, and for other purpoſes. 165

LXXX. An act to enlarge the March and December terms in the Supreme Court. 166

LXXXI. An act to authoriſe Marcus Hulings, to erect a toll-bridge over French creek, oppoſite Turkey-ſtreet, in the town of Franklin. 167

LXXXII. An act to erect Weſt-Hanover townſhip, in the county of Dauphin, into a ſeparate election diſtrict. 170

LXXXIII. An act to eſtabliſh the places for holding the Courts of Juſtice in the counties of Armſtrong, Butler and Mercer. 171

LXXXIV. An act to provide for the diſtribution of the Laws and Journals, of the General Aſſembly of this Commonwealth. 173

LXXXV. An

Chapter *Page*

LXXXV. An act for laying out, making and keeping in repair, the public roads and highways within this Commonwealth, and for laying out private roads. 178

LXXXVI. An act to maintain the territorial rights of this State, and protect the property of perſons holding lands under the ſame. 198

LXXXVII. A further ſupplement to the act, entitled "An act offering compenſation "to the Pennſylvania Claimants of "certain lands within the Seventeen "Townſhips, in the county of Lu- "zerne, and for other purpoſes therein mentioned," paſſed the fourth day of April, one thouſand ſeven hundred and ninety-nine. 201

LXXXVIII. An act for the more certain adminiſtration of Juſtice. 207

LXXXIX. An act for the regulation of the Militia of the commonwealth of Pennſylvania. 208

XC. An act to authoriſe the Governor to ſubſcribe for a certain number of the copies of the laws of this Commonwealth. 264

XCI. An act authoriſing the ſale of Proviſions Vegetables and Fruit, in the markets of any city, borough or corporate town within this Commonwealth. 265

XCII. An act to enable purchaſers at Sheriff's or Coroner's ſales to obtain poſſeſſion. 266

XCIII. An act to provide for the payment of certain expences of the Executive Department and for other purpoſes. 273

Reſolutions.

Number *Page*

I. A reſolution relative to the election of a Senator to repreſent this State in the Senate of the United States. 276

II. A reſolution relative to an application to the Secretary of State of the United States, for a copy of the laſt cenſus of this State. 278

III. A reſolution relative to inſtructing the Senators repreſenting this State in the Senate of the United States, to endeavour to procure a repeal of the act paſſed at the laſt ſeſſion of Congreſs, entitled "An act to pro- "vide for the more complete orga- "nization of the courts of the "United States." *ibid*

IV. A reſolution relative to the printers of the Reports of the Treaſurer, Comptroller and Regiſter-General. 280

V. A reſolution relative to printing the Laws, Journals and Bills, of each Houſe, on a medium paper, in octavo form, and with type of pica ſize. 281

VI. A reſolution relative to authoriſing one able counſel to aſſiſt the Attorney-General in defending the rights of the Commonwealth in the trial of two cauſes, to wit: One againſt the Commonwealth, by William Turnbull; the other by the Comptroller-General, againſt the heirs and deviſees of David Rittenhouſe, late State Treaſurer. 282

A reſolution

Number *Page*

VII. A reſolution granting to C. W. Peale, during the pleaſure of the Legiſlature, the uſe of certain parts of the State-houſe, to diſplay his Muſeum. 283

VIII. A reſolution requeſting the Governor to preſent to Andrew Ellicot, eſquire, for his uſe, during the pleaſure of the Legiſlature, the teleſcope the property of this State, &c. 285

IX. A reſolution relative to the State of Maryland granting half tolls to the Suſquehanna canal company on produce going down the Suſquehanna. *ibid*

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

Commonwealth

OF

PENNSYLVANIA:

PASSED AT A SESSION, WHICH WAS BEGUN AND HELD AT THE BOROUGH OF LANCASTER, ON TUESDAY, THE SEVENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWO, AND OF THE INDEPENDENCE OF THE UNITED STATES OF AMERICA THE TWENTY-SEVENTH.

PUBLISHED BY AUTHORITY.

LANCASTER:

Printed by GEORGE HELMBOLD, junior, North Queen-street.

1803.

Seal.

BY virtue of a Resolution of the General Assembly of the Commonwealth of Pennsylvania, approved and signed the nineteenth of February, 1802; I HEREBY authorise and appoint GEORGE HELMBOLD, JUNIOR, Printer, to print and publish the Laws passed during the present session of the General Assembly.

Given under my hand and the less seal of the Commonwealth, at Lancaster, the twenty-second day of December, in the year of our Lord, one thousand eight hundred and two.

THOMAS M'KEAN.

BY THE GOVERNOR:
T. M. THOMPSON, Sec.

I CERTIFY, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by, the original rolls, the proof sheets of the printed copies of this edition of the Laws and Resolutions, of the General Assembly, passed during their last session.

T. M. THOMPSON,
Secretary of the Commonwealth.

Secretary's Office, Lancaster,
July 20, 1803.

ACTS

OF THE

GENERAL ASSEMBLY

OF

PENNSYLVANIA.

CHAPTER XCIV.

An ACT *to re-annex part of Franklin township, in the county of Westmoreland, to the fifth election district in said county.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all that part of Franklin township, in the county of Westmoreland, that lies north of the New-Frankstown road, be and it is hereby re-annexed to the fifth election district in said county; and the electors thereof shall hold their general elections at the court-house in the borough of Greensburgh, any thing in any former law or laws to the contrary notwithstanding.

Part of Franklin township in Westmoreland county, re-annexed to the fifth election district & elections to be held at the court-house in Greensburgh.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the eleventh, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XCV.

An ACT *altering the place of holding the general election in the district composed of Plumb and part of Versailles township, in Allegheny county.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the electors of the district composed of Plumb township, and that part of Versailles township that lies north of the state road in Allegheny county, shall hold their general elections at the house now occupied by John Little, on the Frankstown state road in Plumb township, any former law or laws to the contrary notwithstanding.

Place of holding general elections in the district composed of Plumb & part of Versailles township, Allegheny county.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the eleventh, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER XCVI.

An ACT *altering the place for holding elections in the district commonly called Silver Spring district in Cumberland county.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors of those parts of East-Pennsborough and Allen townships, in Cumberland county, which compose an election district, shall from and after the passing of this act, hold their elections at the dwelling house now occupied by Nicholas Kritzer, in the township of East-Pennsborough aforesaid, any law to the contrary notwithstanding.

Place of holding elections in East Pennsborough & Allen townships, in Cumberland county.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the thirteenth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XCVII.

An ACT *to erect part of Beaver county, into separate election districts.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly*

sembly met, and it is hereby enacted by the authority of the same, That so much of the county of Beaver, in the boundaries as follow, viz. Beginning at the west boundaries of Pennsylvania, where Little Beaver creek crosses the line; thence eastwardly up said creek about six miles to the Big Lick at William Anderson's; thence east about five miles to the west side of Big Beaver creek; thence up said creek to the mouth of Shenango; thence up the west side of said creek to the north boundary of the county; thence west by the county line to the west boundary of the state of Pennsylvania; thence south by the west state line to the place of beginning; shall be a separate election district, and the electors thereof shall hold their general elections at the dwelling house now occupied by Robert Johnston on Beaver run in said district.

Part of Beaver county erected into a separate election district, & where general elections within the same are to be held.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the following boundaries be a separate election district; beginning at the house of Henry Lawrence on Big Beaver creek; thence up said creek to the forks thereof; thence up the Shenango branch thereof to the place where the north boundary line of Beaver county crosses said creek; thence east on said line to the north-east corner of said county; thence south on the eastern boundary line of the same to where the said line crosses Conochquenesing creek; thence down said creek to the mouth of Brush creek; thence westwardly to the place of beginning; shall be a separate election district, and the electors thereof shall hold their general elections at the dwelling house now occupied by Ananias Allen in said district.

Boundaries of another election district and place of holding the elections.

Sec. 3.

Sec. 3. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, that part of Beaver county within the following bounds shall be annexed to the Beavertown election district, and hold their general elections at the house now occupied by Samuel Johnston in Beavertown; that is, beginning on the Ohio river at the mouth of Raccoon creek; thence up said creek to Michael Baker's included; thence a direct line to Jacob Myer's included, on the Ohio river; thence down said river to the place of beginning.

A certain part of Beaver county annexed to Beavertown election district.

Sec. 4. *And be it further enacted by the authority aforesaid*, That, that part of Beaver county, comprehended within the following bounds, be annexed to the Georgetown election district, and hold their general elections at the house formerly occupied by Samuel Lyons, in Georgetown; that is, beginning at the south branch of Tamblestone's run, where it crosses the western boundary line of this state; thence south on said state line, until it strikes Washington county line; thence east on the said line, between Washington, and Beaver counties, to White's mill, on Raccoon creek; thence along the big road westwardly to Anderson's; thence a direct line, to the place of beginning; any law or laws, to the contrary notwithstanding.

Another part to the Georgetown election district and place where elections to be held.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the thirteenth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER XCVIII.

An ACT *to erect Milford township, in the county of Somerset, into a separate election district.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the township of Milford, in Somerset county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Gephart in Milford township aforesaid, any law to the contrary notwithstanding.

The township of Milford, Somerset county, to be an election district, and elections to be held at the house of John Gephart.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the seventeenth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER XCIX.

A SUPPLEMENT *to the act, entitled "An "act, to erect the town of Lebanon, in the "county of Dauphin, into a borough."*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly*

embly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, similar rights, privileges and immunities, as are now exercised holden and enjoyed by the burgesses, freeholders and inhabitants of the borough of Reading, in and by the ninth section of the act, establishing the said borough, shall and may from henceforth be exercised holden and enjoyed by the burgesses, freeholders and inhabitants of the borough of Lebanon, in the county of Dauphin, and the yearly fairs in the said borough of Lebanon, shall commence on the fourth Thursday, in the month of May, and on the fourth Monday in the month of October, in each and every year.

The privilege of holding fairs granted to the burgesses &c. of the borough of Lebanon, and times of holding them.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the seventeenth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER C.

An ACT *further to prolong the time for erecting a permanent Bridge over the river Schuylkill, at Philadelphia.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority*

The time for erecting a permanent bridge over the river Schuylkill at or near the city of Philadelphia, extended for five years.

thority of the same, That a further time of five years, from and after the time heretofore allowed by law, be and the same is hereby granted and allowed to the president, directors and company for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia, incorporated on the twenty-seventh day of February, one thousand seven hundred and ninety-eight, by the name and stile of "The president, directors and "company, for erecting a permanent bridge "over the river Schuylkill, at or near the city "of Philadelphia," to complete the erection of the said bridge: And if the said company do not complete the same within the term heretofore allowed by law, and the additional term herein granted, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular, the rights, liberties and privileges granted to the said company, by virtue of an act, entitled "An Act, to au- "thorise the Governor of this commonwealth, "to incorporate a company for erecting a "permanent bridge over the river Schuyl- "kill, at or near the city of Philadelphia."

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-second, 1803.

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER CI.

An ACT *to erect part of Greenfield township, in the county of Erie, into a separate election district.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the following part of Greenfield township, in the county of Erie, shall be a separate election district, viz. Beginning on the verge of lake Erie, where the western boundary line of the state of New-York intersects the same; thence south seven miles more or less to an ash tree, the south-east corner of a tract of land surveyed for Robert Smith; thence west to the eastern boundary of Erie township; thence north by the said township to the verge of lake Erie; thence by the same to the place of beginning; and the electors thereof shall hold their general elections at the house now occupied by Andrew Lowry in said district,

Part of Greenfield township in Erie county, erected into a separate election district, and place where elections to be held.

ISAAC WEAVER, *junior, Speaker of the House of Representatives,*
SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-second, 1803:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CII.

An ACT *altering the place of holding the general elections in Noblesburgh district, in the county of Allegheny.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the electors of Noblesburgh district, in the county of Allegheny, shall hold their general elections at the dwelling house now occupied by George Williams, in the town of Noblesburgh aforesaid, any law to the contrary notwithstanding.

Place of holding elections in Noblesburgh district, Allegheny county.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-second, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CIII.

An ACT *to authorise Abraham Landis, to erect a mill-dam in Swatara creek, in the county of Dauphin.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority*

thority of the same; That from and after the passing of this act, it shall and may be lawful for Abraham Landis, his heirs and assigns, and they and each and every of them are hereby authorised and empowered, to erect, support, and for ever maintain, a mill-dam across Swatara creek, on his or their own land, with the consent and approbation of the owner of the lands on the opposite side of the creek adjoining to the said dam, of such convenient height as he or they may think necessary: *Provided*, The same shall not injure the crossing of the said creek at the place called Pineford, on the road leading from Middletown to Elizabethtown and Lancaster: *And provided also*, That he or they shall erect and keep in repair a good and sufficient lock for the convenient passage of boats, and such slope as may render the said dam no obstruction to the passage of fish; and also that the rights of all and every individual be preserved without injury by any of the privileges granted by this act.

A. Landis and his heirs authorised to erect & maintain a mill-dam across Swatara creek under certain limitations & restrictions.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-second, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER CIV.

An ACT *authorising Hugh Beaty, acting administrator of James Beaty, to convey certain lots adjoining New-Berlin, in Northumberland county.*

WHEREAS Hugh Beaty, acting administrator of James Beaty, late of Northumberland county, deceased, by his petition to the general assembly of this commonwealth, hath set forth that the said James Beaty, in his life-time and Alexander Beaty, some time in the year one thousand seven hundred and ninety-two, did lay out and sell certain lots, adjoining the town of New-Berlin, in the township of Buffaloe, in the county aforesaid, that the said James and Alexander, at the time of selling the said lots, were tenants in common thereof, that the greater part of the purchase-money hath been paid for the lots, so as aforesaid sold, but that no deeds or titles, therefor were executed in the life-time of the said James, that although the purchasers of the said lots, are anxious to have titles for the same, yet no one hath due authority to execute deeds therefor, on the part of the said James, or his heirs, who are minors, because there is not any contract in writing or other written evidence of contract whereby the said deceased, hath covenanted, agreed or bound himself or his heirs to convey the said lots, and that the said petitioner did therefore pray that he or some one else on the part and behalf of the heirs of the said James Beaty, deceased, might be authorised by law, to convey in fee-simple the lots, so as aforesaid

aforesaid sold: And whereas, the foregoing representation of facts by the said petitioner appears to be true, and it is just and reasonable that the prayer of his petition should be granted: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth, of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Hugh Beaty, acting administrator of James Beaty, late of Northumberland county, deceased, be and he is hereby authorised on the part and behalf of the heirs of the said decedent to convey in fee-simple, to the purchasers or their legal representatives respectively, all or any of the said lots, so as aforesaid sold but not conveyed by the said James Beaty, in his life-time, saving and excepting always nevertheless to all persons other than the heirs of the said decedent, their just rights and claims, to all or any of the aforesaid lots, which shall or may be conveyed in pursuance of this act.

The admin'r of James Beaty, late of Northumberland county dece'd, empowered to convey in fee simple certain lots situate in said county, to the purchasers of said lots.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-second, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER CV.

An ACT *to grant James Moore, a fractional part of the reserved tract of land, at the mouth of Big Beaver creek.*

WHEREAS it appears by the petition of James Moore, and sundry vouchers that the said James Moore, hath made an actual settlement at an early period, on a fractional part of the reserved tract of land, at the mouth of Big Beaver creek: Therefore,

Two hundred and twenty acres of land at the mouth of Big-Beaver creek, granted to J. Moore, at the rate of $1 50 cts. per acre.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That so much of the fractional part of the reserved tract of land, at the mouth of Big Beaver creek, in Beaver county, as lies along the northern boundaries and eastern lines of said reserve, on the east side of the said creek, and adjoining the same as shall not exceed two hundred and twenty acres, be and is hereby granted to James Moore, at the price of one dollar and fifty cents, per acre, to be paid into the receiver-general's office of this commonwealth, in four equal yearly instalments; the first to be paid within one year after the passing of this act, and on the receipt of the said first instalment, a warrant of survey shall be granted, and on receipt of the last payment above-mentioned, it shall be lawful for the officers of the land-office and they are hereby directed to issue a patent to said James Moore, or to his legal representatives

representatives in usual form, he or they paying the fees of office.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the twenty-second, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CVI.

An ACT *to dissolve the marriage contract between Alexander Dick and Catharine his wife, late Catharine Wolf.*

WHEREAS Catharine Dick, of the borough of Lancaster, in the county of Lancaster, by her petition to the legislature, hath represented that about the month of April 1801, she was lawfully married to a certain Alexander Dick, who without the knowledge or privity of your petitioner and before her marriage with him, had been guilty of larceny, whereof he has been convicted at a court of Oyer and Terminer, and general goal delivery, held at Lancaster, for the county of Lancaster, on the second Monday of May, in the year of our Lord, 1801: And that the court, before whom the said Alexander, was convicted hath adjudged that he should pay a fine of three thousand four hundred and seventy-six dollars and sixty-seven cents, and undergo a servitude for eighteen calender

calender months, in the goal of Lancaster county, to be therein kept at hard labour or in solitude and in all things treated and dealt with as is prescribed by the acts, of assembly of this state, in such case made and provided; pay the costs of prosecution, and stand committed till the whole of the sentence be complied with: That by the order and direction of the said court, the said Alexander Dick, hath been removed to the goal, and penitentiary house, of the city and county of Philadelphia, where he now remains and will probably remain for life, as there is little chance of his ever being able to comply with the sentence or judgment of the court: That even if he should be released from his present confinement after what has passed, it would be in vain for her the said Catharine, to expect any thing but misery in the extreme, by being obliged again to live with and be subject to a person so infamous and depraved, and that without the interference of the legislature, she cannot be relieved from the grievance under which she now suffers: And whereas, the foregoing statement of facts, hath been satisfactorily proved to the legislature, as well by a copy of the record of the court aforesaid, under the seal of said court, as otherwise, and it is but just and reasonable that an innocent and injured person should be released from the ties of matrimony, with a person so abandoned and depraved: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That

That the marriage of the said Alexander Dick and Catharine his wife, late Catharine Wolf, be and the same hereby is declared to be annulled and void to all intents and purposes, whatsoever, and they are hereby respectively declared to be separate, set free and totally discharged from the matrimonial contract, and from all duties and obligations, arising therefrom, as fully, effectually and absolutely, as if they had never been joined in matrimony, any law, custom or usage to the contrary, notwithstanding.

The marriage of Alexander Dick and Catherine Dick declared null and void.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the seventh, 1803:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CVII.

AN SUPPLEMENT *to the several acts of Assembly of this Commonwealth, relating to the acknowledgment or proof of deeds and other writings.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That each of the aldermen, of the city of Philadelphia, shall have power to take and receive the acknowledgment

The aldermen of the city of Philadelphia empowered to

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That John Calhoun, Benjamin Chambers, Dr. Robert Johnston, John Brown, Jacob Zanck, George Clark, David Kennedy, Col. William Alexander, James M'Calmont, Jacob Cassel, esquire, James Ramsey, Archibald Irvin, William M. Brown, Samuel Colhoon, Josiah Crawford and Archibald Baird, esquire, be and they are hereby appointed commissioners, to do and perform the several duties herein after mentioned; that is to say, they shall on or before the first Monday in September next; procure two books and in each of them enter as follows: "We whose names are "hereunto subscribed, do promise to pay to "the president, managers and company of the "Conecocheague, navigation, the sum of twelve "dollars, for every share set opposite our names, "in such proportions and at such times as shall "be determined by the president and managers, "in pursuance of an act, of the general assembly, of this commonwealth, entitled "An "act to enable the Governor of this common, "wealth, to incorporate a company for opening the navigation of the Conecocheague "creek, from the mouth of the Falling Spring, "in the town of Chambersburgh, to the Maryland line." Witness* our hands the "day of " and shall thereupon give notice, four times successively in the weekly newspaper, printed in Chambersburgh, of the time and place, when and where the books shall be opened to receive subscriptions of stock for the said company, at which times and places, some two of the commissioners, shall attend for the space of one day and receive

Commissioners appointed, who are to open books & receive subscriptions for the Conecocheague navigation.

Form of subscription.

Notice to be given of the times & places of subscription.

from whom subscriptions may be received.

* *Witnesses* in the original.

ceive subscriptions from all persons of full age, either in their own name or that of any other person by them authorised, and in case the said shares do not amount to the number of four hundred, the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed for: *Provided always*, That every person offering to subscribe in the said books, as aforesaid, shall previously pay to the attending commissioners two dollars, for every share to be subscribed, out of which shall be defrayed, all incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organised.

Commissioners may adjourn from time to time till subscription is complete.

Subscribers to pay a deposit of two dollars for every share.

Sec. 2. *And be it further enacted by the authority aforesaid*, That when two hundred or more shares, shall be subscribed for, the said commissioners, respectively may or when the whole of said shares are subscribed for, shall certify under their hands and seals, the names of the subscribers and number of shares, subscribed for to the Governor of this commonwealth, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the said subscriptions be not full at that time, then also, those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president ma- "nagers and company, of the Conecocheague "navigation," and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable, ing and holding their said capital stock, and

When a certain number of shares, or the whole, are subscribed, the commissioners to certify the same to the Governor.

who shall thereupon incorporate the subscribers.

style and powers of the corporation.

and increasing the same if it shall be necessary, and of purchasing, taking and holding to them and their successors and assigns, all such estate, real, personal and mixed, as shall be necessary in the prosecution of their work, and of suing and being sued, and doing all and every other matter and thing which a corporation or body politic, may lawfully do.

The five first named patentees to notify the subscribers to meet, for the purpose of organising the corporation, choosing officers, making bye-laws &c.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the five persons first named in such letters patent, shall as soon as possible give notice, three times successively in the weekly newspaper aforesaid, of the time and place of meeting, when and where the said subscribers shall proceed to organise the said corporation, and shall choose by a majority of votes, by ballot, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company, for one year and until such other officers are chosen, and shall or may make such bye-laws, rules, orders and regulations not inconsistent with the constitution, and laws of this commonwealth, as shall be necessary for ordering of the affairs of said company: *Provided always,* That no person shall have more than five votes at any election, and that each person shall be entitled to one vote, for every share by him held under the said number.

Number of votes limited.

The times of annual & special meetings for choosing officers.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the said company shall meet on the first Monday in September in every year, at such place as shall be fixed by their bye-laws, for the purpose of choosing other such officers for the ensuing year in manner aforesaid, and at such other times and places

places as they shall be summoned by the president and managers.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the president and managers shall, deliver a certificate to each person for every share by him subscribed for and held, which shall be transferrable at pleasure, and the assignee thereof shall hold the same subject to the same terms, and with all the advantages of the original holder.

Certificates of shares to be issued to each subscriber.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers, shall meet at such times and places as shall be agreed upon, for transacting business, at which meetings five members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep regular minutes of all their transactions, and who shall have power and authority to do and perform all things which they shall judge necessary, to carry on the intended works.

Meetings of the president and managers, and proceedings at such meetings.

Sec. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder after twenty days notice, in the newspaper as aforesaid, of the time and place appointed for the payment of any portion or dividend of the said stock, shall neglect to pay such proportion for the space of thirty days after the time so appointed, such stockholder or his assignee shall in addition to the dividend so called for, pay after the rate of five per cent. per month for every delay of such payment, and if such accumulated penalties shall become equal to the sum before paid in part, and on account of such share, the same shall be forfeited to the said company.

Regulations in case of neglect to pay the subscription money.

Sec. 8.

The president and managers may enter the lands &c. thro' which the creek may pass, for the purpose of furthering its navigation &c.

Sec. 8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said president and managers, with the workmen and laborers in their employ, to enter upon the lands and tenements through which the said water passes, so as to put locks or shoots in the mill-dams, and for the purpose of confining the water in the said creek, and furthering its navigation, giving notice thereof to the owners of the said lands, and doing as little injury as possible to private property, and making amends for any damages that may happen to be done.

When toll-gatherers may be appointed.

Sec. 9. *And be it further enacted by the authority aforesaid,* That the said company having perfected the said navigation, it shall and may be lawful for them to appoint such, and so many toll-gatherers as they shall think proper, to collect and receive of and from, all and every person or persons using the said navigation, the tolls and rates herein after mentioned, that is to say; for every barrel of flour at each lock or shoot the sum of two cents, and so in proportion for every other article, which toll-gatherers shall have power to stop and detain every or any boat until the same shall be paid.

and what tolls may be received.

The president and managers to keep the accounts of the corporation, & submit the same annually to the stockholders.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the president and managers, shall keep fair and just accounts of the said corporation, and shall once in every year, submit the same to a general meeting of the stockholders, as well of all expenditures, as of the dividends of the profits and income thereof, and shall publish when and where such profit shall be paid.

Sec. 11.

Sec. 11. *And be it further enacted by the authority aforesaid,* That the president and managers shall cause a printed list of the tolls, which may lawfully be demanded at each lock or shoot, to be fixed and kept up in some conspicuous place, near said locks or shoots, for the information of such persons as may use the said navigation. A printed list of the tolls to be fixed up &c.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the seventh, 1803:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CX.

An ACT *erecting that part of Pine township, in Allegheny county, not included within the seventh election district, into a separate election district.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all the township of Pine, in the county of Allegheny, except that part comprehended in the seventh district, shall be a separate election district, and the electors thereof shall hold their general elections at the Part of Pine township in Allegheny county, erected into a separate election district, and where elections to be held.

the house now occupied by Baltzar Good, in said township, any former law to the contrary thereof notwithstanding.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the seventh, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXI.

An ACT *to raise by way of lottery, a sum of money to defray the expence of rebuilding a church in the borough of York.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Godfrey Lenhart, Andrew Robinson, John Ernst, Peter Small, Daniel Spangler, John Rothrock, George Barnitz and Christopher Lowman, be and they are hereby appointed commissioners, to raise by way of lottery, a sum of money not exceeding twenty-four hundred dollars, with a discount of twenty per cent. to be by them applied to the payment of a debt, incurred by the German Presbyterian congregation, of the borough and county of York, in rebuilding their house of worship, which was lately destroyed by accidental fire.

Commissioners named, som that may be raised by way of lottery, and use to which it is to be applied.

Sec. 2.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the commissioners before they proceed to sell any tikcets in the said lottery, shall lay such scheme thereof, before the Governor as shall meet his approbation, and enter into bonds to him for the due performance of their duty, in drawing the same, and each of them before entering on the duties of his appointment, shall take and subscribe an oath or affirmation, diligently and faithfully to perform the duties hereby entrusted to him, and three or more of the said commissioners, shall attend at the drawing of each day, and when the drawing shall be completed, they shall cause an accurate list of the fortunate numbers, to be published at least three times in the English and German newspapers, printed in the borough of York, and shall pay and discharge all the prizes, that shall be demanded by persons legally entitled thereto, within three months after the drawing shall be finished.

The commissioners, before selling any of the tickets, to lay the scheme of the lottery before the Governor for his approbation; and further duties of the commissioners.

Sec. 3. *And be it further enacted by the authority aforesaid,* That all prizes not demanded within twelve months after the publication as aforesaid, shall be considered and deemed as relinquished, for the benefit of said church.

Prizes not demanded within 12 months after notice of the completion of the drawing to be deemed as relinquished.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the seventh, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

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CHAPTER CXII.

An ACT *to authorise Charles Smith, of the borough of Lancaster, his heirs and assigns, to erect and maintain a wing-dam in the river Juniata, under certain restrictions.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Charles Smith, of the borough of Lancaster, his heirs and assigns, to erect a wing-dam in the Frankstown branch of the river Juniata, to extend from the south-westerly shore of a large island in the said river, immediately above the borough of Huntingdon, three-fourth parts over the said branch, and to maintain and keep up the same from the first day of June until the first day of December, in each and every year for ever, for the purpose of supplying an additional quantity of water to the mills adjoining the said borough of Huntingdon, during the seasons of drought and low-water: *Provided always*, That the said dam shall not impede the navigation of the said branch, or obstruct the passage of fish in the same: *And provided also*, That the said Charles Smith, his heirs or assigns, shall not thereby interfere with any private property on the said river, or with the mill and water-works of a certain Jonathan Roland: *And provided also*, That the said dam shall be so constructed as to be carried off by the rising of the water, or by ice, or be otherwise

Charles Smith of Lancaster, his heirs, &c. authorised to erect a wing-dam in the Frankstown branch of the Juniata, and to keep up the same from June till December, annually.

Conditions annexed to the privilege.

wise removed immediately after the first day of December in every year.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the seventh, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXIII.

A SUPPLEMENT *to the act, entitled "An "act to enable the Governor of this Common- "wealth, to incorporate a company to make "an artificial road from the city of Phila- "delphia, through Germantown, to the ten "mile stone on Chesnut-hill, and from thence "to the new stone bridge over Perkiomen "creek, in the county of Montgomery."*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That as soon as the president, managers and company, of the Germantown and Perkiomen turnpike road, shall have completed any five miles of the said road, or such fractional part as may remain between the upper end of the last five miles to be completed, and the new stone bridge over Perkiomen creek, they shall give notice thereof to the

Additional provisions relative to the erection of turnpike gates.

the Governor of this commonwealth, who shall thereupon forthwith nominate and appoint three disinterested and skilful persons to view and examine the same, and report to him in writing whether the same is so far executed in a masterly and workman-like manner, according to the true intent and meaning of the act to which this is a supplement; and if their report shall in any such case be in the affirmative, then the Governor shall by licence under his hand, and the lesser seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates and turnpikes upon and across the said road, as will be necessary and sufficient to enable them to take and collect the tolls and duties, in the said act mentioned, according to the rates therein specified and set forth.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the seventh, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXIV.

An ACT *to erect a new election district in the county of Crawford.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority*

thority of the same, That from and after the passing of this act, the township of Rockdale, in the county of Crawford, shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by William Greenlee, in Rockdale township aforesaid.

The township of Rockdale in Crawford county, to be an election district, and place of holding elections.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the eleventh, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXV.

An ACT *to enable the Governor of this Commonwealth, to incorporate a company for making an artificial road by the best and nearest route, from the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne.*

WHEREAS the general assembly has been petitioned to pass an act, for the incorporation of a company to make a turnpike road, from Easton, in the county of Northampton, to Wilkesbarre, in the county of Luzerne, and it is reasonable and proper to give encouragement to such associations, of individuals as are intended for the public benefit, by facilitating the communication between the different parts of the state.

Section

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Drinker, Benjamin R. Morgan and Thomas Allibone, of the city of Philadelphia; Samuel Sitgreaves, John Herster and Daniel Wagener, of the borough of Easton; and Lord Butler, Lawrence Myers and Thomas Wright, of the county of Luzerne, be and they are hereby appointed commissioners to do and perform the several things herein after mentioned; that is to say, they shall on or before the first Monday of May next, procure three books, and in each of them enter as follows: "We whose names are hereto subscribed, do promise to pay to the president, managers and company, of the Easton and Wilkesbarre turnpike road, the sum of fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to enable the Governor of this commonwealth, to incorporate a company for making an artificial road, by the best and nearest route from the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne," witness our hands the day of in the year of our Lord, one thousand eight-hundred and three;" and shall thereupon give notice in two of the public papers printed in the city of Philadelphia, and in one or more of the public papers printed in the borough of Easton, and in

Commissioners appointed to open books and receive subscriptions for the Easton and Wilkesbarre turnpike road.

Form of subscription.

notice of the times & places of subscription to be published.

in the town of Willkesbarre respectively, for one calendar month at least, of the times and places in the said city, borough and town respectively, when and where the said books shall be open to receive subscriptions for the stock of the said company, at which respective times and places, some two of the said commissioners shall attend; and shall permit and suffer all persons of lawful age, who shall offer to subscribe in the said books in their own names, or names of any other persons, who shall duly authorise the same, for any number of shares in the said stock, and the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said book opened at Philadelphia, shall have four hundred shares therein subscribed, the said book opened at Easton, two hundred shares therein subscribed, and the said book opened at Wilkesbarre, six hundred shares therein subscribed, and if at the expiration of the said six days the books aforesaid, or any of them, shall not have the respective number of shares as aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the said books from place to place aforesaid, until the whole number of shares shall be subscribed, of which adjournments and transfer, the commissioners aforesaid shall give such public notice, as the occasion may require, and when the whole number of shares subscribed in all the said books, shall amount to twelve hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books in his own name, or any other name, shall previously pay to the attending commissioners, the sum of ten dollars for every share to be subscribed,

Who may subscribe and for what number of shares.

for what time the books are to be kept open.

The commissioners may adjourn from time to time till the whole number of shares are subscribed, when the books shall be closed.

Subscribers to pay a deposit of $10 for every share subscribed.

licence under his hand, and the lesser seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said company, from all persons travelling in the same with horses, cattle and carriages.

The road being completed toll-gatherers to be appointed;

Sec. 12. *And be it further enacted by the authority aforesaid*, That the said company having perfected the said road, or such part thereof from time to time as aforesaid, and the same being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers, as they shall think proper to collect and receive, of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving any horse, cattle, hogs, sheep, sulkey, chair, chaise, phæton, cart, waggon, wain, sleigh, sled or other carriage of burden, or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same; that is to say,

amount of tolls prescribed.

for every space of five miles in length of the said road, from the borough of Easton, to the foot of the Broad mountain on the south side thereof, the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: for every score of sheep, four cents; for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse or mule laden or unladen with his rider or leader, three cents; for every sulkey, chair, chaise with

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one horse and two wheels, six cents; and with two horses, nine cents; for every chair, coach, phæton, chaise, stage, waggon, coachee or light waggon with two horses, and four wheels, twelve cents; for either of the carriages last mentioned with four horses, twenty cents, for every other carriage of pleasure under whatever name it may go, the like sums according to the number of wheels and of horses drawing the same, for every sleigh or sled, two cents, for each horse drawing the same; for every cart or waggon or other carriage of burden, whose wheels do not in breadth exceed four inches, four cents for every horse drawing the same; for every cart or waggon whose wheels shall exceed in breadth four inches, and shall not exceed seven inches, three cents for each horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches and shall roll more than ten inches, two cents for each horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent and a half for each horse drawing the same; and for any such carriage the breadth of whose wheels shall be more than twelve inches, one cent for each horse drawing the same, and when any such carriage as aforesaid shall be drawn by oxen or mules, in the whole or in part, two oxen shall be estimated as equal to one horse, and every ass or mule as equal to one horse in charging the aforesaid toll and for so much of the said road as shall pass over the Broad mountain; that is to say, for

appropriation.

ed, out of which shall be defrayed the expences attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organised, and the officers chosen as herein after mentioned.

When a certain number of shares, or the whole, are subscribed, commissioners to certify the same to the Governor,

Sec. 2. *And be it further enacted by the authority aforesaid*, That when sixty persons or more shall have subscribed, six-hundred or more shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid, shall be subscribed, they shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to

who shall thereupon incorporate the subscribers.

the Governor of this commonwealth, and thereupon it shall and may be lawful for the Governor by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in

Style and powers of the corporation.

deed and in law, by the name, style and title of, "The president, managers and com-"pany, of the Easton and Wilkesbarre, turn-"pike road," and by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises, incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors, and assigns,

assigns, and of selling, transferring and conveying in fee-simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing, which a corporation or body politic, may lawfully do.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the commissioners aforesaid, as soon as conveniently may be after the said letters patent, shall be sealed and obtained, shall give notice in two of the public papers in Philadelphia, and in one or more of the public papers, printed at Easton and Wilkesbarre respectively, of a time and place by them to be appointed not less than twenty days from the publication, of the first notice, at which time and place, the said subscribers shall proceed to organise the said corporation, and shall choose by a majority of votes, of the said subscribers by ballot, to be delivered in person or by proxy, duly authorised, one president, twelve managers, one treasurer, and such other officers as they shall think necessary, to conduct the business of the said company for one year, and until other such officers shall be chosen, and shall and may make such bye-laws, rules, orders and regulations, not inconsistent, with the constitution and laws of this commonwealth, as shall be necessary for the well-ordering the affairs of the said company: *Provided always*, That no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that

The commissioners to notify the subscribers to meet for the purpose of organising the corporation.

officers to be chosen.

Number of votes limited.

that each person shall be entitled to one vote, for every share, by him held under the said number: *Provided nevertheless*, That all future annual elections of the said corporation, shall be held with such notice, and in manner and form aforesaid, alternately at Wilkesbarre and Easton.

Future elections to be held alternately at Easton and Wilkesbarre.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said company shall meet on the first Monday of January, in every year, at such place as shall be fixed by their bye-laws, for the purpose of choosing officers as aforesaid, for the ensuing year in manner aforesaid, and at such other times as they shall be summoned by the managers in such manner and form as shall be prescribed by their bye-laws, at which annual or special meetings, they shall have full power and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such bye-laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act.

The times of annual and special meetings of the company,

and powers of the company at such meetings.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed for all the shares of the stock, of the said company, and shall deliver one such certificate signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held, he paying to the treasurer part of the sum due thereupon, the sum of fifteen dollars, for each share, which certificate shall be transferable at his pleasure

Certificates of shares to be issued on part payment.

which certificate shall be transferrable.

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person or by attorney, in the presence of the president or treasurer, subject however to all payments due and to grow due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the purpose, shall be a member of the corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business, at which meeting, seven members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and a quorum being met, they shall have full power and authority, to agree with and appoint, all such surveyors, superintendants, artists and officers, as they shall judge necessary, to carry on the intended works, and to fix their salaries or wages, to ascertain the times, manner and proportions, when and in which the stockholders shall pay the money due on their respective shares, in order to carry on the work, to draw orders on the treasurer, for all monies necessary to pay the salaries or wages, of persons by them employed and for the labor done, and materials provided in the prosecution of the work, which orders shall be entered or registered in their book of minutes, and shall be signed by the president or in his absence, by a majority of a quorum

Meetings of the president and managers, and proceedings at such meetings.

The president and managers may enter lands &c. to take materials.

Sec. 9. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful, to and for the said president and managers, by and with their superintendants, engineers, artists, workmen and laborers, with their tools and instruments, carts, waggons, wains and other carriages, and beasts of draught or burden, to enter upon the lands, in, over, contiguous and near, to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be done to any improvements thereon, upon a reasonable agreement if they can agree, or if they cannot agree, then upon an appraisement to be made upon oath or affirmation by three indifferent freeholders, any two of them agreeing mutually to be chosen, or if the owners upon due notice shall neglect or refuse to join in the choice, then to be appointed by any justice of the peace, of either of the counties of Northampton or Luzerne, not interested therein, and upon tender of the appraised value, to cut down, dig, take and carry away, any timber, stone, gravel, sand, earth or other material there being, most conveniently situated for making or repairing the said road.

Modes of estimating the compensation to owners.

The president and managers to erect bridges and lay out a road.

Sec. 10. *And be it further enacted by the authority aforesaid*, That the said president, managers and company, shall have power to erect permanent bridges, over all the waters crossed by the said route or track, wherever the same shall be found necessary, and shall cause a road to be laid out not exceeding one hundred feet in width.

width, from the town of Wilkesbarre aforesaid, to the Tunkhanna river, and not exceeding fifty feet in width from thence to the borough of Easton aforesaid, unless in such places where the nature of the ground may render a greater width expedient, and then only with the consent of the owners of the contiguous land, and shall cause twenty feet thereof in breadth at least, to be made an artificial road, which shall be bedded with wood, stone, gravel or other proper and convenient material well compacted together, a sufficient depth to secure a solid foundation for the same, and the said artificial road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm and as nearly as the nature of the country and the materials will admit, an even surface rising towards the middle by a gradual arch, and shall forever hereafter maintain and keep the same in perfect order and repair.

To be forever kept in repair.

Sec. 11. *And be it further enacted by the authority aforesaid*, That so soon as the said president, managers and company shall have perfected the said road, from the town of Wilkesbarre aforesaid, to the Tunkhanna river, and so from time to time, any distance not less than ten miles progressively towards the borough of Easton aforesaid, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view and examine the same, and report to him whether the road is so far executed in a competent and workman-like manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall by

Mode of proceeding to obtain licence to erect turnpike gates.

licence under his hand, and the lesser seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said company, from all persons travelling in the same with horses, cattle and carriages.

The road being completed toll-gatherers to be appointed;

Sec. 12. *And be it further enacted by the authority aforesaid*, That the said company having perfected the said road, or such part thereof from time to time as aforesaid, and the same being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers, as they shall think proper to collect and receive, of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving any horse, cattle, hogs, sheep, sulkey, chair, chaise, phæton, cart, waggon, wain, sleigh, sled or other carriage of burden, or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same; that is to say,

amount of tolls prescribed.

for every space of five miles in length of the said road, from the borough of Easton, to the foot of the Broad mountain on the south side thereof, the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: for every score of sheep, four cents; for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse or mule laden or unladen with his rider or leader, three cents; for every sulkey, chair, chaise with

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one horse and two wheels, six cents; and with two horses, nine cents; for every chair, coach, phæton, chaise, stage, waggon, coachee or light waggon with two horses, and four wheels, twelve cents; for either of the carriages last mentioned with four horses, twenty cents, for every other carriage of pleasure under whatever name it may go, the like sums according to the number of wheels and of horses drawing the same, for every sleigh or sled, two cents, for each horse drawing the same; for every cart or waggon or other carriage of burden, whose wheels do not in breadth exceed four inches, four cents for every horse drawing the same; for every cart or waggon whose wheels shall exceed in breadth four inches, and shall not exceed seven inches, three cents for each horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches and shall roll more than ten inches, two cents for each horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent and a half for each horse drawing the same; and for any such carriage the breadth of whose wheels shall be more than twelve inches, one cent for each horse drawing the same, and when any such carriage as aforesaid shall be drawn by oxen or mules, in the whole or in part, two oxen shall be estimated as equal to one horse, and every ass or mule as equal to one horse in charging the aforesaid toll and for so much of the said road as shall pass over the Broad mountain; that is to say, if

licence under his hand, and the lesser seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said company, from all persons travelling in the same with horses, cattle and carriages.

The road being completed toll-gatherers to be appointed;

Sec. 12. *And be it further enacted by the authority aforesaid*, That the said company having perfected the said road, or such part thereof from time to time as aforesaid, and the same being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers, as they shall think proper to collect and receive, of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving any horse, cattle, hogs, sheep, sulkey, chair, chaise, phæton, cart, waggon, wain, sleigh, sled or other carriage of burden, or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same; that is to say,

amount of tolls prescribed.

for every space of five miles in length of the said road, from the borough of Easton, to the foot of the Broad mountain on the south side thereof, the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: for every score of sheep, four cents; for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse or mule laden or unladen with his rider or leader, three cents; for every sulkey, chair, chaise with

one

one horse and two wheels, six cents; and with two horses, nine cents; for every chair, coach, phæton, chaise, stage, waggon, coachee or light waggon with two horses, and four wheels, twelve cents; for either of the carriages last mentioned with four horses, twenty cents, for every other carriage of pleasure under whatever name it may go, the like sums according to the number of wheels and of horses drawing the same, for every sleigh or sled, two cents, for each horse drawing the same; for every cart or waggon or other carriage of burden, whose wheels do not in breadth exceed four inches, four cents for every horse drawing the same; for every cart or waggon whose wheels shall exceed in breadth four inches, and shall not exceed seven inches, three cents for each horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches and shall roll more than ten inches, two cents for each horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent and a half for each horse drawing the same; and for any such carriage the breadth of whose wheels shall be more than twelve inches, one cent for each horse drawing the same, and when any such carriage as aforesaid shall be drawn by oxen or mules, in the whole or in part, two oxen shall be estimated as equal to one horse, and every ass or mule as equal to one horse in charging the aforesaid tolls, and for so much of the said road as shall pass over the Broad mountain; that is to say, from the

the foot of the said mountain on the south side thereof, to the town of Wilkesbarre aforesaid, the preceding rates of toll shall in every instance be doubled.

Penalty on persons attempting to evade the payment of the tolls.

Sec. 13. *And be it further enacted by the authority aforesaid,* That if any person or persons, owning, riding in or driving, any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving, any horse, mule, hogs, sheep or cattle as aforesaid, shall with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage, way, or along or over any other ground, or land near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act; or if any person or persons shall with the intent aforesaid, take off, cause to be taken off, any horse or other beast, or cattle of draught or burden, from any carriage of burden or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall for every such offence respectively, forfeit and pay to the president, managers and company of the Easton and Wilkesbarre turnpike road, the sum of fifteen dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered.

Proceedings in case the company do

Sec. 14. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and

and perfect order and repair, for the space of fifteen days, and information thereof shall be given to any justice of the peace of the proper county, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which is complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof, is in such good and perfect order and repair as aforesaid; and shall cause an inquisition to be made under the hands and seals of himself, and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall so certify and send one copy of the said inquisition, to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road, shall be put into good and perfect order and repair as aforesaid, and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls for the intermediate distance between the gates aforesaid, from any traveller during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars, to be recovered before any justice of the peace, as debts under

not keep the road in good order and repair.

der forty shillings are by law recoverable; but if the same road shall not be put into good and perfect order and repair, before the next ensuing court of quarter sessions of the proper county, the said justice shall certify and send a copy of the said inquisition to the justices of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons, entrusted by the company with the care and superintendance of such part of the said road, as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest, against the person or persons entrusted as aforesaid, and upon conviction shall give such judgment according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars, and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors, are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to repair, at the public expence thereof.

The president and managers to keep the company accounts of subscriptions &c.

Sec. 15. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company, shall keep fair and just accounts of all monies, which shall be received by them from the said commissioners, and from the subscribers for the stock of the said company, on account of their several subscriptions, and of all penalties for the delay in the payment thereof, and of the amount

amount of the profit on the shares which may be forfeited as aforesaid, and also of all monies by them to be expended in the prosecution of their said work; and shall once at least, in every year submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges and expences of effecting the same, shall be fully paid and discharged, and the aggregate amount of such expences shall be liquidated and ascertained; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened, according to the provisions of this act, or their own bye-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such shares, in like manner, and under the like penalties, as are herein before provided for the original subscriptions, or as shall be provided by their bye-laws.

and submit the same to the general meeting of the stockholders,

and if the capital is found insufficient to complete the road, it may be enlarged.

Sec. 16. *And be it further enacted by the authority aforesaid*, That the said president, managers and company, shall also keep a just and true account of all and every, the monies to be received by their several and respective collectors of tolls at the several gates or turnpikes on the said road, which shall not exceed one for every five miles after the road is completed, from the beginning to the end thereof, or such part thereof, as shall from time

The president and managers to keep an account of the tolls and declare dividends on the profit

time to time be completed as aforesaid, and after the said road shall be completed, or so much thereof, as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges, and a reasonable fund for repairs, and for the progressive improvement and accomplishment of the said work, being first deducted and reserved among all the subscribers to the stock of the said company, and shall on the first Monday in February and August in every year, publish the half-yearly dividend to be made of the clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

The president and managers to lay an abstract of the accounts before the legislature &c. in order to ascertain the clear income,

Sec. 17. *And be it further enacted by the authority aforesaid*, That the said president and managers shall at the end of every third year, from the date of the incorporation, until two years next after the whole road shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, shewing the whole amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said toll, for and during the said respective periods, together with an exact account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be known and ascertained, and if at the end of two years after the said road shall be completed, from the beginning to the end thereof, it shall appear from the average profits of the

if the profits do not amount to six per cent, the tolls may be encreased.

said

said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum, on the whole capital stock of the said company so expended, and on the interest accrued on such expenditure during the time wherein the work shall be prosecuting before the receipt of toll, then it shall and may be lawful for the said president, managers and company, to increase the tolls herein before allowed, according to such rate upon the same, as will raise the dividend up to six per centum per annum as aforesaid, and at the end of every ten years, after the said road shall be fully completed as aforesaid, they shall render to the general assembly a like abstract of their accounts for the three preceding years, and if at the end of any such decennial period it shall appear from such abstract, that the clear profits and income of the said company will bear a dividend of more than ten per centum per annum, the surplus of that amount when sufficient shall arise, shall be appropriated by the said president and managers, to the purchase of such share or shares of the said stock, as the money arising from the said surplus will be found adequate to purchase, until all the said shares shall be so purchased, and the said subscribers shall determine by lot from time to time, whose share or shares shall be paid off by the money arising as aforesaid, for which shares the said company shall pay the sums which were originally paid for each respective share, and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free and no toll whatever shall be exacted.

Sec. 16. *And be it further enacted by the authority aforesaid,* That the said company shall cause

Posts of direction to be erected;

cause posts to be erected at the intersection of every road falling into, and leading out of the said turnpike road, with boards and an index-hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters, the name of the town or place to which such road leads, and the distance thereof in computed miles, and shall also cause mile stones to be placed on the side of the said road, beginning at the distance of one mile from the court-house in the borough of Easton, and extending thence to the town of Wilkesbarre, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the court-house aforesaid, and at every gate or turnpike by them to be erected on the said road, shall cause the distance from the court-house aforesaid, and the distances from the nearest gate or turnpike in each direction to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place near thereto; and also shall cause to be affixed at such places, for the information of travellers and others using the said road, a printed list of the rates or toll which from time to time may lawfully be demanded.

mile stones to be placed on the side of the road;

and printed rates of tolls to be fixed at the turnpikes.

Penalty on persons who shall deface or destroy any mile stone, direction post, &c.

Sec. 19. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully break, deface, pull up, or prostrate any mile stone, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, shall wilfully break, pull down, deface, destroy, or injure any direction post, which shall be erected in pursuance of this act at the intersection of any road as aforesaid.

said, or the board or index hand affixed thereto, in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters marked at any turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned; or the whole or any part of any printed list of the rates of tolls, which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises shall, and each of them shall, for every such offence severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered with costs of suit before any justice of the peace in manner aforesaid.

The president and managers may farm the tolls &c. for any term not exceeding 7 years.

Sec. 20. *And be it further enacted by the authority aforesaid*, That the president and managers of the said turnpike road, for the time being, shall and may, and they are hereby authorised and empowered at their choice and discretion, to grant, demise and to farm let to any person or persons, with whom they can agree, the tolls and duties which by virtue of this act they are authorised to demand and receive, for passage in, upon and along the said road, at any gate or turnpike on the same, or any part of the same, for any term not exceeding seven years, under such rents and convenient reservations and conditions, as the said president and managers shall agree upon, which grants and demises shall have the same construction, force and effect, as other the like grants and demises made between private persons have and receive at law.

Sec. 21.

Drivers to keep the right hand side in the passing direction.

Sec. 21. *And be it further enacted by the authority aforesaid*, That all waggoners, carters and drivers of carriages of all kinds, whether of burden or pleasure using the said road, shall except when overtaking and passing by a carriage of slower draught, keep their horses and carriage on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass, and if any waggoner, carter or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall by reason thereof be obstructed in his passage, and will sue for the same before any justice of the peace, to be recovered with costs in like manner as aforesaid.

Penalty on toll gatherers taking more than legal toll.

Sec. 22. *And be it further enacted by the authority aforesaid*, That if any toll-gatherer on the said road, shall demand and receive from any person or persons using the said road, any greater or higher rate of toll than by this act is authorised and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the overseers of the poor of the township in which the forfeiture shall be incurred; and the other half to the use of the person suing for the same, to be recovered before any justice of the peace of the county where such offence shall have been committed.

Defendants to be allowed reasonable retribution against prosecutors not sustaining their prosecutions.

Sec. 23. *And be it further enacted by the authority aforesaid*, That if in the case of any suit or prosecution, which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their servants or assignees, the

the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, or by action before the court of the common pleas of the proper county, (if such prosecution had been instituted before the court of general quarter sessions of the peace,) such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

Limitation of time within which actions under this act are to be commenced, &c.

Sec. 24. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the fact committed, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

The right reserved to the state, of purchasing the road and extinguishing the toll.

Sec. 25. *And be it further enacted by the authority aforesaid,* That if the legislature should at any time after the year one thousand eight hundred and twenty-five, think proper to take possession of the said road, three persons shall be appointed by the Governor, and three by the president and managers of the said company, and three by the judges of the supreme court, who, or any six or more of them, not having any interest in the said road, shall proceed to examine and estimate the value of the property which the said company have therein,

therein, and certify the amount thereof to the Governor of this commonwealth, who shall cause the same to be laid before the legislature at their next session, and whenever the amount so certified shall be paid by the state to the said company, their right to take toll on the said road, together with all their right, title, claim and interest therein shall cease and determine.

Time allowed for commencing and finishing the road.

Sec. 26. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work, within three years after the passing of this act, or shall not within seven years thereafter complete the said road, according to the true intent and meaning of this act, then in either of those cases, it shall and may be lawful for the legislature of the commonwealth, to resume all and singular, the rights, liberties, privileges and franchises, by this act granted to the said company.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the eleventh, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CXVI.

An ACT *authorising William Wright, to lead off and use part of the waters of the Susquehanna, on his own land, in York county.*

WHEREAS it hath been represented to the legislature by William Wright, that he is proprietor of the land adjoining Chiquis falls, on the west side of Susquehanna river, in Hellam township, York county, and requesting permission of the legislature to lead off on his own land, part of the waters out of said river, for the supply of such water-works as he may erect thereon.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That William Wright, proprietor of the land adjoining Chiquis falls, on the west side of the river Susquehanna, in York county, and his heirs and assigns, shall have liberty, and are hereby authorised and empowered, to lead off on the said land, a part of the water out of the said river, for the supply of such water-works as he the said William Wright, his heirs and assigns, may see fit to erect thereon, and to build such dam in the said river, adjoining his said land, as shall be necessary for effecting the purpose intended: *Provided always,* That the said William Wright, his heirs or assigns, in building such dam and leading the water out of said river, do not infringe on, or injure the rights and privileges of any individual, nor in any wise impede or obstruct the navigation in the same: *And provided also,* That nothing herein contained shall be construed to impair any contract existing

W. Wright, his heirs and assigns authorised to lead off, on his own land adjoining Chiquis falls, a part of the water of the Susquehanna for the use of water-works &c.

Provided the rights of others be not infringed, or the navigation of the river obstructed:

Nor any existing contract between this

state and the Chesapeake & Delaware canal company impaired thereby.

isting between this state and the Chesapeake and Delaware canal company, incorporated or to be incorporated by virtue of the act, entitled "An act to incorporate a company for "the purpose of cutting and making a canal "between the river Delaware and the Cheasa-"peake bay, and to authorise the clearing of "obstructions in the river Susquehanna, down "to the Maryland line, and for other purpuses "therein mentioned."

Mode of proceeding to punish offences against the provisions of this act.

Sec. 2. *And be it further enacted by the authority aforesaid*, That on complaint made to the judges of the court of quarter sessions of the county aforesaid, they shall appoint three commissioners, to view the said dam, and compare it with the provisions of this act, and to report to them at their next session, the state thereof, which report if it contains an offence against this act, the court shall direct a bill of indictment, to be sent to the grand jury, and upon prosecution to conviction, the said William Wright, his heirs or assigns, shall be liable to pay a fine not exceeding two hundred dollars, at the discretion of the court, who shall order so much of said dam, to be thrown down as will bring the same within the limitations and provisions of this act, at the expence of the person convicted.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the eleventh, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER CXVII.

An ACT *to authorise Samuel Bell and Nicholas Gerst, their heirs and assigns respectively, to erect mill-dams on Swatara creek, in the county of Dauphin.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Samuel Bell, his heirs and assigns, to erect, support and for ever maintain a mill-dam across Swatara creek, adjoining his own land, and with the consent and approbation of the owner of the land on the opposite side of the said creek, of such convenient height as he or they may think necessary, for the purpose of drawing off thereby so much of the water out of the said creek, as may be necessary for his mill and other water-works: *Provided*, That he or they shall erect a good and sufficient lock, and keep the same in good order and repair for the free passage of boats, and such slope as may admit the passage of fish without interruption over the said dam, and also, that the rights of individuals shall be preserved.

Samuel Bell, his heirs &c. authorised to erect a mill-dam across Swatara creek &c.

But the passage of boats and fish not to be interrupted or the rights of individuals impaired thereby.

Sec. 2. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for Nicholas Gerst, his heirs and assigns, to erect, support and for ever maintain, a mill-dam across Swatara creek, opposite to his or their own land, with the consent and approbation of the owner of the land on the opposite side of the said creek, of such convenient heigth as may be necessary for the purpose of drawing

A similar privilege granted to Nicholas Gerst, with the like proviso.

CHAPTER CXIX.

An ACT *to vest in Sophia Biddle, for the use of herself and children, certain parts of the forfeited estate of John Biddle, which have not yet come into the possession of this Commonwealth.*

WHEREAS it has been represented to the legislature, that small portions of the estates of John Biddle, forfeited by his attainder, have never been sold or seized on behalf of the public, and Sophia Biddle, widow of the said John Biddle, has prayed that the same might be vested in her for the use of herself and children: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all right, title, interest, property, claim and demand whatsoever, which this commonwealth, hath in, to and out of, such parts of the estate, real and personal of the said John Biddle, forfeited by his attainder aforesaid, as have not heretofore been seized, sold, aliened or any way disposed of, by and on account of the public, be, and the same are hereby granted, conveyed, assigned, set over, and vested in the said Sophia Biddle, for the use of herself and her children, by the said John Biddle, in the same manner and proportions, as the same would have been under the act passed the nineteenth day of April, one thousand seven hundred and ninety-four, entitled "An act directing the descent of intestate's real estates and distribution of their personal estates, and for other

Provision in favor of Sophia Biddle and her children.

"other purposes therein mentioned," as if the said John Biddle had never been attainted, and had died since the passing of the said act.

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*
SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the twenty-first, 1808:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXX.

An ACT *appointing four trustees, in addition to those heretofore appointed, for the county of Beaver, and for other purposes.*

WHEREAS by an act passed the twelfth of March, one thousand eight hundred there was granted for the use of an academy, or public school in Beavertown, five hundred acres of land, and three persons therein mentioned, appointed to hold the same in trust for the purpose aforesaid, and no provision was made by the said act, authorising said trustees, to farm-let, lease or otherwise dispose of said land, or to complete the intention of the legislature, in erecting a suitable building for an academy in said town: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That

Trustees named and empowered to lease the lands belonging to Beavertown academy, &c.

That John Lawrence, esquire, Guion Grier, James Alexander and Samuel Johnston, be, and they are hereby appointed trustees for the land granted by an act, passed the twelfth of March, one thousand eighthundred, for the use of an academy in Beavertown, which trustees, together with those appointed under the act aforesaid, or a majority of them shall have power to farm-let, lease or otherwise dispose of said land, for any term not exceeding fifteen years from and after the passing of this act, with all other powers vested by the act aforesaid, in the trustees of Beaver county.

Further powers of the trustees.

Sec. 2. *And be it further enacted by the authority aforesaid,* That said trustees or a majority of them, are hereby empowered to erect or cause to be erected, a suitable building on one of the public squares, in said town of Beaver, for an academy, and to receive any grant or grants of land, or any other less estate, which have or may be made or given to them, or the former trustees for the use or advantage of said academy, and to take to themselves in feesimple, or otherwise, any conveyance or assurance, in trust for the same, and to ask or demand, sue for, and recover all such sum or sums of money, as may have at any time been or may be hereafter subscribed, for the use of said academy, and also to apply all the proceeds, rents and issues arising from the grant of land aforesaid, for the use of said institution.

To give bond, &c.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the said trustees and every of them, shall give bond with two sufficient sureties, for the use of said seminary, to the commissioners of the county, and their

successors

successors in the sum of six hundred dollars, for the faithful performance, of the duties enjoined on them by this act: And moreover, once in every year, exhibit their accounts to the grand jury of the county, for their inspection and approbation.

And exhibit their accounts annually to the grand jury.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the twenty-first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXXI.

An ACT *to authorise and empower the commissioners of the county of Somerset, to sell and convey four certain lots of ground, and for other purposes therein mentioned.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the board of commissioners of the county of Somerset, and their successors in office, be, and they are hereby, authorised, to sell by public sale, they having first given ten days public notice thereof, four certain lots of ground, situate in the town of Somerset, in said county, marked in the

Com'rs empowered to sell four lots in Somerset town.

the general plan of said town, with the numbers 137, 138, 139 and 140, now the property of the county, and to make to the purchaser or purchasers the necessary deed or deeds of conveyance, in feesimple, and to apply the money arising from such sales, to the use of the county.

How the proceeds thereof are to be disposed of.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the twenty-first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXXII.

An ACT *to provide for filling the vacancy in the office of State-Treasurer, occasioned by the death of Jacob Carpenter, esquire.*

WHEREAS it is declared by the fifth section, of the sixth article of the constitution of this commonwealth, that the state-treasurer shall be appointed annually by the members of both houses: And whereas, by the death of Jacob Carpenter, esquire, late state-treasurer, that office has become vacant: Therefore,

Section

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the members of both houses, shall meet in the senate chamber, at twelve o'clock, on Monday the twenty-eighth instant, and then and there appoint a state-treasurer, to continue in office, until the second Tuesday of January next, that each house shall previous to such appointment, choose a teller and furnish the other house with a minute of such choice, and that the speaker of the senate, shall be the president of the meeting of the members, so to be assembled for the purpose aforesaid, and it shall be the duty of the said tellers respectively, to take down in writing the name of every person voting at such election, and that of the person for whom he shall vote, and make report thereof to their respective houses, in order that the same may be entered on their minutes, and when it shall appear that any person has been duly elected, duplicate certificates of such election shall be made out and signed by the president of the said meeting, and by each of the said tellers, one copy whereof shall be sent to the person elected, and the other shall be filed and recorded in the rolls office of this commonwealth.

Provision for choosing a state treasurer.

Mode of proceeding.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the treasurer who shall be appointed, according to the provisions of this act, before he enters on the duties of his office, shall give bond with sureties in the sum and manner prescribed by the act, entitled "An act to ascertain the security to be given "by the treasurer of the state for the time

Person chosen to give bond, &c.

"being," passed the nineteenth of November, one thousand seven hundred and eighty-nine.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the twenty-fifth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXXIII.

An ACT *establishing the compensation of the Deputy-Secretary of this Commonwealth.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the salary of the deputy Secretary of this commonwealth, shall be twelve hundred dollars per annum, any law or laws to the contrary notwithstanding.

Salary of the deputy secretary.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the twenty-fifth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER CXXIV.

An ACT *to erect a certain election district in the county of Wayne.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the township of Buckingham, Demascus and that part of Lackawaxen township, lying north of Lacakawaxen creek, and east of the Barrens in said township, are hereby erected into a separate election district, to be called Saint Tammany district, and the electors thereof, shall hold their general elections at the house now occupied by Reuben Skinner, in said county.

Saint Tammany district, Wayne county erected,

and place where elections to be held.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the twenty-fifth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CXXV.

An ACT *dissolving the marriage between John Alexander and Hannah his wife.*

WHEREAS John Alexander, of Springfield township, in the county of Delaware, by his petition to the legislature, hath represented, that on the twenty-third day of October, in the year of Lord one thousand eight hundred, he was lawfully joined in marriage, with a certain Hannah Wells, and that afterwards, to wit: on the fourth day of December, in the same year, she the said Hannah, was delivered of a mulatto child, from which circumstance, it is evident that the said John Alexander, was grossly deceived, and imposed upon by the said Hannah, and hath therefore prayed for a divorce: And whereas, the foregoing representation of facts, appears to be true, and the case of the petitioner being of a peculiar nature, it is reasonable and just, that a person so much injured and deceived, should obtain relief, especially as the existing law is inadequate to the purpose: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage of the said John Alexander, and Hannah Alexander, be, and the same, is hereby declared to be void and annulled, to all intents and purposes whatsoever, and they are hereby respectively declared to be set free, and totally discharged from the matrimonial contract,

The marriage of John Alexander and Hannah Alexander dissolved.

ntract, and from all duties and obligations sing therefrom, as fully, effectually and solutely as if they had never been joined matrimony, any law, usage or custom to e contrary notwithstanding.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

PROVED—February the twenty-fifth, 1803:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXXVI.

ACT *to authorise the electors of the sixth election district in the county of Huntingdon, to hold their general elections at the house of James Entreken, at the mouth of Coffee run, on the Raystown branch of Juniata river.*

ction 1. BE *it enacted by the Senate and House of Representatives of the mmonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the sing of this act, the electors of the sixth ction district, in the county of Huntingdon, ll hold their general elections at the house occupied by James Entreken, at the mouth of

Place of election in the 6th election district, Huntingdon county.

of Coffee run, on Raystown branch river, in Hopewell township.

ISAAC WEAVER, *junior of the House of Rep*

SAMUEL MACLAY, *Sp of the Senate.*

APPROVED—February the twenty-fi

THOMAS M'KEAN, *Governo of the Commonwealth of Penn*

CHAPTER CXXVII

SUPPLEMENT *to an act, en "act to incorporate a company "pose of cutting and making a c "the river Delaware and Ches*

WHEREAS the legislature o by an act passed on the nin bruary, one thousand eight hundr enacted that it should be lawful subscriptions for cutting the said the first day of March, one thc hundred and two, unto the first da one thousand eight hundred and t the said term is nearly expired, a of subscriptions are not so far fi the organization of the said comp fully be formed or take place : whereof,

Section 1. *Be it enacted by th House of Representatives of the C of Pennsylvania, in General Assen it is hereby enacted by the authorit*

Extension of the time for receiving subscriptions &c.

That the managers appointed by of February the nineteenth, one th

undred and one, or any of them, are hereby mpowered and required to keep open the ooks of subscription, and receive subscrip- ions for cutting and making the said canal, etween the river Delaware and Chesapeake ay, from and after the first day of March ext, unto the first day of January next, and f it shall appear that a sufficient number of hares are subscribed, to enable the managers ppointed to proceed in the organization of the ompany, at any time previous to the said first lay of January next, then it shall and may be awful for the managers to proceed agreeably o the laws of Maryland, Delaware and Penn- ylvania, completely to form the said company nd proceed therein.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED--February the twenty-eighth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXXVIII.

An ACT *to authorise the surviving Commissioners, named in certain Commissions of Bankruptcy, to proceed in the execution of the said Commissions, and for other purposes therein mentioned.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful,

The survivors in any commission of bankruptcy, authorised to proceed in executing the same.

lawful, for the surviving commissioners or commissioner in any commission of bankruptcy, which has been issued by the executive authority of this commonwealth, to proceed in the execution of all such matters and things as may remain to be done and executed, in relation to such commission of bankruptcy, and such surviving commissioners or commissioner as the case may be, shall have and possess the same powers, and be subject to the same duties, as were originally granted to and enjoined on the whole of the commissioners, in such commission named.

In certain enumerated cases, the Governor empowered to issue a new commission.

Sec. 2. *And be it further enacted by the authority aforesaid*, That in all cases where by reason of death, inability or absence from the state, there shall remain no commissioners authorised to act in regard to the estate of any person, who has heretofore been declared a bankrupt, under the authority of this commonwealth, it shall be lawful for the Governor from time to time, as occassion may require, to issue a new commission, directed to any number of commissioners therein named, not exceeding three, which commissioners so to be appointed or the major part of them, shall have similar powers, and perform like duties, as the commissioners originially appointed, in such cases respectively possessed, and were authorised to perform.

SIMON SNYDER, *Speaker*
of the House of Representatives.
SAMUEL MACLAY, *Speaker.*
of the Senate.

APPROVED—March the eighth, 1803:
THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAP.

CHAPTER CXXIX.

An ACT *establishing and confirming the place for holding the courts of justice, and for erecting the public buildings for the county of Butler.*

WHEREAS in pursuance of an act passed the sixth of April, one thousand eight hundred and two, entitled "An act to establish the places for holding the courts of "justice in the counties of Armstrong, But-"ler and Mercer," it appears that the Governor did appoint Isaac Weaver, John Hamilton, Thomas Morton, James Brady and Presly Car Lane, esquires, to be commissioners to perform the duties enjoined and required by the said act: And whereas, by the report of the said commissioners deposited by them, in the office of the Secretary of the commonwealth, and now laid before the general assembly, it appears that the said commissioners have performed the duties enjoined and required by the said act, in order therefore to complete and secure to the people of the said county of Butler, the benefits intended in and by the act aforesaid.

Section. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That John M'Bride, esquire, William Elliott, esquire, and John David, be, and hereby are appointed trustees for the county of Butler, and the said trustees or a majority of them, are hereby authorised and required to survey or

Trustees appointed for the county of Butler; who are to cause to be surveyed 300 acres of land, for the use of said county.

or cause to be surveyed, three hundred acres of land, situate on the north side of Conequinesing creek, near Samuel Cunningham's mill, agreeably to a description given of the situation and boundary thereof, expressed in the grant and obligation of Samuel Cunningham, John Cunningham and Robert Graham, made by them to the Governor for the use of the county of Butler; and the said trustees are hereby authorised and required to lay out a convenient lot or lots of land, within the said three hundred acres, not exceeding five acres, whereon the public buildings shall be erected for the use of the county of Butler, and the surplus or residue of said three hundred acres of land, which shall remain after the scites for the public buildings are set apart and determined, shall be laid out for a town, with suitable town lots and out-lots, at the discretion of the trustees with necessary reservations, for a quarry, streets, lanes, alleys, and roads or highways: *Provided however*, That no out-lot shall exceed five acres, and the town hereby directed to be laid out shall be called Butler.

To lay out a lot or lots, not exceeding 5 acres, whereon public buildings are to be erected, and the residue of said 300 acres, into town and out lots.

Dimensions of the out lots; town called Butler.

Sec. 2. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said trustees, or a majority of them, to sell by public auction, the said town-lots and out-lots, at such time or times, as they may judge most advantageous to the county, which sale shall be held at the said Cunningham's mill in the said county, previous to which the said trustees shall advertise the same, three times at least in one or more newspaper published in Pittsburg, Greensburg and Washington, one month before the day appointed for such sale: *Provided*, That before the said commission-

Trustees to sell town and out lots by way of auction, & to give previous notice of such sale.

Deeds in fee simple of the

missioners proceed to the discharge of the duties herein enjoined and required, they shall demand and receive from the aforesaid Samuel Cunningham, John Cunningham and Robert Graham, sufficient deeds, in fee simple, of the above described three hundred acres of land, in trust for the use of the said county of Butler, agreeably to the grant thereof heretofore made to the Governor, for the use of the county of Butler, by the said Samuel Cunningham, John Cunningham and Robert Graham, and shall procure the same to be recorded in the office for recording of deeds, in Allegheny county, and when the said trustees have so done, they shall have authority, and it shall be their duty, to make out and grant sufficient deeds, in fee simple, for the town and out lots by them sold in pursuance of this act.

said 300 acres of land are first to be obtained, in trust for the use of Butler county,

and the same to be recorded in the recorders office of Allegheny county, and afterwards conveyances made for the town and out lots, to the purchasers.

Sec. 3. *And be it further enacted by the authority aforesaid;* That the said trustees or a majority of them, shall within two years after the said county of Butler shall be organized, and the courts and board of commissioners in operation, surrender and convey all the trust vested in them, by this act, to the commissioners of Butler county, and to their successors in office, and the said county commissioners and their successors, shall enjoy and exercise all the powers vested in, and discharge all the duties required and enjoined on the said trustees, as fully to all intents and purposes, as if they were expressly herein named; and the said county commissioners shall have power, and it shall be their duty, to call upon, and if necessary to compel the said trustees or either of them, by suit to settle

The trustees, within 2 years after the organization of Butler county, are to surrender the trust vested in them by this act, to the commissioners of said county &c.

powers and duties of said commissioners.

tle their accounts with respect to the performance of their trust, and pay over the money due to the county, if any such money remains in their hands, to the treasurer of Butler county, subject to the disposal of the said county commissioners.

Compensation of the trustees and by whom to be paid.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the aforesaid trustees shall each receive one dollar and thirty-three cents, for every day they shall be employed in the performance of the duties of the aforesaid trust together with all expences necessarily incurred, for assistance in surveying and laying out lots, streets, lanes and alleys, which shall be paid by the treasurer of the county of Allegheny, on orders, from the commissioners of said county, out of the county taxes levied in Butler county.

A return of the survey of the town and out lots to be filed in the recorder's office of Allegheny county or Butler county.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the said trustees shall as soon as may be, file a draught and return of the survey and proceeding under and by virtue of this act, in the office of the recorder of deeds, in and for the county of Allegheny, or in the said office for the county of Butler, if such office be then established by law.

Repealing clause.

Sec. 6. *And be it further enacted by the authority aforesaid*, That so much of the act passed the twelfth of March, one thousand eight hundred, entitled "An act erecting "certain parts of Allegheny, Westmoreland, "Washington and Lycoming counties, into "separate counties," as authorises the commissioners therein named, to be trustees for the

the county of Butler, shall be and hereby is repealed and made void.

SIMON SNYDER, *Speaker*
of the House of Representatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—March the eighth, 1803:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CXXX.

An ACT *to raise by way of lottery, a sum not exceeding five thousand dollars, for the purpose of completing the building of the Bustleton Academy, in the county of Philadelphia.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That Samuel Swift, Strickland Foster, Jacob Shearer, John Holmes, junior, John Thompson, Elisha Gordon, Edward Swift, Jacob Hall, Bernard J. Malfeson and William Duncan, be, and they are hereby appointed commissioners, to raise by way of lottery a sum not exceeding five thousand dollars, to be applied to the defraying of the expence of completing the building of the Bustleton academy, in the county of Philadelphia, in such manner as to the trustees of the said institution,

Commissioners of a lottery appointed.

institution, or a majority of them, may
most beneficial to said academy.

Commissioners to be qualified,

Sec. 2. *And be it further enacted by t*
thority aforesaid, That each of the said
missioners shall previously to entering
the duties of his office, take and subscr
oath or affirmation, diligently and faithfu
perform the duties entrusted to him, a
least two of them shall attend at the dra
of each day, and when the whole is comp
shall cause an accurate list of the for
numbers in the said lottery to be publ
in at least two newspapers printed in th
of Philadelphia, and the expences neces
attending the carrying of this act into
shall be paid by the said commissioners,
the nett proceeds of the said lottery.

and at least 2 of them attend the drawing of the lottery, and publish the same,

expences thereof how to be paid.

Sec. 3. *And be it further enacted by th*
thority aforesaid, That the said commissi
be, and they are hereby authorised, to
and adjust all accounts which may be ex
ed by any person or persons, legally emp
in carrying this act into effect.

Further powers of the commissioners.

Sec. 4. *And be it further enacted by th*
thority aforesaid, That the said commissio
previously to selling any tickets in the sai
tery, shall lay the scheme thereof befor
Governor of this commonwealth, to be ap
ed by him, and shall also enter into bon
the Governor, for the due and faithful pe
mance of the duties imposed on them by
act.

To lay the scheme of the lottery before the Governor for his approbation.

Sec. 5. *And be it further enacted by the*
thority aforesaid, That all prizes not dema
within twelve months after publication as a

Limitation for demanding prizes.

said, shall be considered as relinquished for the benefit of the institution.

SIMON SNYDER, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the eighth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXXXI.

A further SUPPLEMENT *to the act, entitled "An act to erect the town of Sunbury, "in the county of Northumberland, into a "borough."*

WHEREAS the burgesses and sundry inhabitants of the borough of Sunbury, in the county of Northumberland, by their petition to the legislature, have suggested certain alterations and amendments of the existing acts of incorporation of the said borough, whereby the same would be rendered more conformable to the wishes and convenience of the said inhabitants: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the inhabitants of the said borough, qualified to vote for burgesses and assistants, shall at the same time and place at which burgesses and

The qualified inhabitants of the borough of Sunbury shall

annually elect eight common council men, each of whom to take an oath of office before he enters on the duties thereof.

and assistants are elected, annually elect eight inhabitants of the said borough qualified as aforesaid, to serve as common council men, each of whom before he enters on the duties of his office, shall take an oath or solemn affirmation, before some judge or justice of the peace of the said county, well and faithfully to execute the office of a common council man of the said borough.

Powers of the burgesses, assistants and common council men.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said burgesses, assistants and common council men, in common council assembled, shall have full power and authority to frame all laws and ordinances, necessary and convenient for the government and welfare of the said borough, and the same at their discretion to revoke, alter and make anew, as occasion may require, reserving nevertheless to the inhabitants at large, duly qualified as aforesaid, in their town meetings, to revoke, alter and amend the said laws and ordinances: *Provided*, That a majority of the whole number of the said inhabitants concur in such revocation, alteration or amendments.

Proceedings before the laws and ordinances of the corporation are to have effect, & for revoking or altering the same.

Sec. 3. *And be it further enacted by the authority aforesaid*, That in order to give due notice of such laws and ordinances, and that a full opportunity may be had for the inhabitants aforesaid, to revoke, alter or amend the same, the said laws shall be published for ten days before they shall obtain any operation, and in the interval a town meeting shall be convened by the burgesses and assistants, and if at such town meeting a sufficient number of the inhabitants shall not appear to revoke, or alter the said laws or ordinances, or appearing shall not revoke, or alter the same, the said laws

and

and ordinances shall at the expiration of the said ten days become of full force and effect, subject nevertheless to revocation, alteration or amendment by the said common council, or by a majority of the whole number of inhabitants duly qualified as aforesaid, at any subsequent town meeting.

SIMON SNYDER, *Speaker*
of the House of Representatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—March the sixteenth, 1803:
THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CXXXII.

An ACT *to erect a new election district in the county of Dauphin, and to alter the place of holding the general elections for the two adjoining districts.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the following boundaries shall compose an election district, to wit: Beginning at the west side of Susquehanna river, opposite the end of Peter's mountain; thence across the said river, and along the top of said mountain to the line of Berks county; thence along said line to the top of Wisconesco

A new election district erected in Dauphin county; its boundaries.

or Berry's mountain; thence along the highest ridge thereof, and across the said river; thence down the same, to the place of beginning, shall compose an election district, and the electors thereof, shall hold their general elections at the house now occupied by John Evig, in the town of Halifax, in the said county of Dauphin.

place of holding general elections.

Sec. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors residing in the township of Middle Paxton, to the southward of Peter's mountain shall hold their elections at the house now occupied by John Filson, in in said township; and the electors of Upper Paxton township, residing to the northward of Wisconesco or Berry's mountain, shall hold their elections at the house now occupied by George Buffington, in said township, any thing in any law to the contrary notwithstanding.

Places of elections in Middle and Upper Paxton townships.

SIMON SNYDER, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the sixteenth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CXXXIII.

An ACT *erecting one new election district, and making alterations in other districts, in Northumberland county.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the townships of Mahoning and Hemlock, in the said county, shall be a separate election district, to be called Danville district, and the electors thereof shall hold their general elections at the house of William Sherriff, in the town of Danville, in the township of Mahoning; and that the place of holding the general elections in the district usually called the sixth district, be, and is hereby changed from the house of Albright Swineford, to the house of John Swineford, in the town of Middleburgh, in Penns township; and that the lines of New-Berlin district, be, and are hereby altered as follows, viz. Beginning at the house of Toran O'Quin; thence to the top of the middle ridge of the Shamokin hills; thence by the same until opposite the south-west corner of Hugh Wilson's land; thence to said corner; thence by the line of division between the said Hugh Wilson's land and the tract of land on which Joshua Davis lives to the Lime-stone ridge; thence to John Steele's, and thence to Christopher Seabold's mill, including the farms of the persons above named, who together with the other electors residing within the said boundary shall elect at the town of New-Berlin, any

A new election district erected in Northumberland county, and place of holding elections therein;

the place of holding elections in the sixth district changed;

and the lines of New-Berlin district altered.

any law or laws to the contrary hereof notwithstanding.

SIMON SNYDER, *Speaker*
of the House of Representatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—March the sixteenth, 1803:
THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CXXXIV.

An ACT *to empower Samuel Miles, to sell and convey certain real estate in the same act mentioned, and for other purposes.*

WHEREAS Samuel Miles and Rebecca Miles, by their petition to the general assembly have represented, that William Wister, late of the city of Philadelphia, died intestate, with respect to certain real estate situate in the said city, and in the county of Northumberland, and purchased by him subsequent to the date of his last will and testament, that Catharine, Samuel, William and James Miles, being minors and grandchildren of the first before-named Samuel Miles, and lawful children of James Miles, deceased, and the aforesaid Rebecca his wife, by reason of the aforesaid William Wister having died intestate as aforesaid, have through their father the said James Miles, deceased, become heirs, as tenants in common to one eighteenth part of

of the real estate aforesaid, that the uncles and aunts of the said minors being severally entitled in fee to the one eighteenth part of the said real estate, have (or the greater part of them hath) sold and conveyed in fee, their respective shares of a house and lot in Third-street between Market and Arch-streets, in the city of Philadelphia, to John Wister of the said city, for the sum of eight hundred dollars for each share aforesaid, that the said petitioners apprehend that if the said minor's share of the aforesaid real estate were sold, the money arising from such sale can be so appropriated and applied, as to produce a greater benefit to the said minors, than can be obtained from the mere income thereof, and that the said petitioners pray that some person may be authorised to sell and convey in fee, the said minors share of the real estate aforesaid: And whereas, the aforesaid petitioner Samuel Miles hath also represented, that one other eighteenth part of the aforesaid real estate hath descended to his son Charles, a minor, who as far as he is capable hath agreed to the sale thereof, that it would be advantageous to him that such sale should be made, and that it is also the prayer of the petitioner that some person may be authorised to sell and convey in fee, his said son Charles's one eighteenth part of the real estate aforesaid: And whereas, it appears just and reasonable to grant the prayer of the petitioners: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Rennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Miles the aforesaid petitioner be, Samuel Miles empowered to

sell and convey in fee simple, the one 18th part of the undevised real estate of William Wister, deceased,

be, and he is hereby authorised, at such time as he may think proper, during the minority of the said four minor children, of his said son James, deceased, to sell and convey in fee simple, for such price, and in such manner, and or on such terms and conditions, as he shall think most advantageous, either for cash or credit, all or any part of the said one eighteenth part of the said undevised real estate, to which the said minors have in manner aforesaid become entitled, as tenants in common; and that all contracts and agreements, deeds and conveyances, of or concerning the said one eighteenth part of the real estate aforesaid, made by the said Samuel Miles during the minority of his said four grandchildren, shall be as good and effectual in law, to all intents and purposes, as if the same had been made by his said grandchildren, after they severally attain the age of twenty-one years.

all contracts and conveyances made respecting the same, declared good and effectual.

Of securing the purchase money and giving discharges for such parts as may be paid in cash.

Sec. 2. *And be it further enacted by the authority aforesaid*, That upon any contracts or sales, made of or concerning the last aforesaid one eighteenth part, of the said undevised real estate, it shall be the duty of the said Samuel Miles, to take bonds with such real or personal security as he shall judge sufficient, in the names of his said grandchildren, for such part of the purchase money as shall not be paid in cash, and his receipts for all or any part of the purchase money, which may be paid in cash, shall be a good discharge to the purchaser or purchasers, and he shall pay over the said cash, and deliver said bonds and securities to his said grandchildren, their executors, administrators or assigns, or to such persons as they shall appoint to receive the same, accounting at the same time for the profits

profits that may be made by or out of the proceeds of such sale.

Sec. 3. *And be it further enacted by the authority aforesaid*, That all the powers and authorities by this act given to the said Samuel Miles, shall cease and determine, in respect to the share of any one of his said grandchildren, of, in or to, the first aforesaid one eighteenth part of the said undevised real estate, as soon as he or she shall attain the age of twenty-one years: *Provided*, That all the contracts touching the last aforesaid one eighteenth part of the said undevised real estate, made by him the said Samuel Miles, during the minority of his said grandchildren respectively, so far as the same affect such minor, shall be as obligatory on him or her, and of the same force and effect as if made by him or her, after attaining the age of twenty-one years.

When the powers of the said S. Miles relative to the aforesaid 18th part of said undevised estate, shall cease.

Of the operation of contracts made by the said S. Miles touching the same.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said Samuel Miles under and subject nevertheless, in the exercise of the power by this section granted, to all the limitations, conditions, and restrictions, and with all the force and effect in every respect whatsoever, to and with which, he may or can by this act sell and convey in fee simple, the first aforesaid, one eighteenth part of the said undevised real estate, shall be, and he is hereby authorised to sell and convey, in fee simple, his said son Charles's one eighteenth part of the undevised real estate aforesaid: *Provided always*, That the said Samuel Miles shall give bond, with sufficient sureties to the orphans court, of the city and county of Philadelphia, that he, his heirs, executors

The said S. Miles empowered to sell & convey in like manner and subject to the same limitations and restrictions his son Charles' 18th part, of said undevised real estate.

Proviso that said S. Miles give security for the faithful execution of the trust reposed in him.

ecutors or administrators, shall pay the said Catharine, Samuel, William, James and Charles Miles, or in case of the death of either of them, before he or she arrives at the age of twenty-one years, then to such person as would have been entitled to said estate, if it had remained unsold, the full amount of the sum for which the said Samuel shall sell the same, together with any increase of profit which may arise from the use thereof.

Conveyances made pursuant to this act, not to be a bar to any person, other than those represented by the said S. Miles.

Sec. 5. *And be it further enacted by the authority aforesaid,* That no conveyance made in pursuance of this act, shall ever be so construed as to bar, or in any manner defeat or effect the claims of any person or persons, other than the said Charles Miles, and the said four grandchildren of Samuel Miles aforesaid, of, in or to, the before described two eighteenth parts of the undevised real estate aforesaid, or of any part or appurtenance thereof, in any wise thereunto appertaining.

SIMON SNYDER, *Speaker*
of the House of Representatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—March the sixteenth, 1803:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAP-

CHAPTER CXXXV.

An ACT *erecting Bethel township, in the county of Berks, into an election district.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That Bethel township, in the county of Berks, is hereby erected into an election district, and the electors thereof shall hold their elections at the house now occupied by Michael Miller in said township.

Bethel township in the county of Berks, erected into an election district and where elections to be held.

SIMON SNYDER, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—March the sixteenth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXXXVI.

A SUPPLEMENT *to the Militia law of this Commonwealth.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That if any commissioned officer in the city of Philadelphia, the township of the Northern Liberties or the district of Southwark,

What removal of an officer from the city &c. shall amount to a forfeiture of his commission.

Southwark, shall cease to reside therein, and remove therefrom for the space of six months, unless on public business he shall forfeit his commission and not otherwise: That the volunteer companies that now are, or hereafter may be, raised in the city of Philadelphia, the township of the Northern Liberties and the district of Southwark, shall muster with the regiment to which they have attached themselves, and shall not be subject to fines for non-attendance on days of regimental musters within the bounds of the regiment in which they reside, unless such corps shall have attached themselves to such regiment; and that the said volunteer companies shall have the right to vote for the field officers of the regiment, to which they are attached, they claiming no right to vote for field officers elsewhere, any law to the contrary notwithstanding.

Volunteer companies to muster with the regiment to which they are attached, and shall have a right to vote for the field officers of such regiment, notwithstanding they may not reside within the bounds of the same.

Sec. 2. *Be it further enacted by the authority aforesaid,* That the operation of the fifth section of an act, entitled "An act for "the regulation of the militia of the common-"wealth of Pennsylvania," passed April sixth, one thousand eight hundred and two, shall be suspended for three years, so far as relates to the uniform of companies who had uniformed themselves previous to the passing of said act, unless called into actual service before the expiration thereof.

A partial suspension for 3 years, of the fifth section of the general law for regulating the militia.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER CXXXVII.

An ACT *to erect the town of Chambersburgh, in the county of Franklin, into a borough.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the town of Chambersburg, in the county of Franklin, and its vicinity, shall be, and the same is hereby erected into a borough, which shall be called the borough of Chambersburg, bounded and limited as follows; that is to say, Beginning at a corner of James Welsh and John Kerr's land, near the brick meeting-house, and thence running south forty-five degrees east, forty-three perches to the corner of an alley west of Front-street; thence south fifty-one degrees east, fifty-nine perches, to the east side of Second-street; thence with said street north nine degrees east, about thirty-five perches to a post on the east side of said street; thence south eighty-one degrees east, fifteen and one half perches to Frederick Reamer's land; thence north nine degrees east, seventy-six perches to the north side of an alley; thence with lots of D. Madeira, south eighty-one degrees east, thirty-six perches to Edward Crawford's land; thence north nine degrees east, forty-nine perches to the road leading to Black's gap; thence north fifty-eight degrees west, eighteen perches to Third-street; thence with said street north nine degrees east, seventy-two perches to Benjamin Chambers's meadow; thence north eighty-one degrees west, sixteen and one half perches to the west side

The town of Chambersburg erected into a borough;

its boundaries described.

of

of an alley; thence north nine degrees east, fifty-eight perches to Joseph Chambers's land; thence north eighty-one degrees west, fifteen and one half perches to Second-street; thence with said street north nine degrees east, twenty-two perches to the junction of Second-street and the great road; thence along the east side of the aforesaid road south forty-two degrees west, sixty-six perches to a corner; thence by land of Nicholas Clopper north eighty-two degrees west, twenty-eight perches to Conococheague creek; thence with said creeek crossing the same south twenty-eight degrees west forty perches to the north side of King-street: thence with said street north eighty-one degrees west, thirty-four and one half perches to the east side of Strasburg road; thence south eight degrees west, seventeen perches to a corner (opposite) Patterson's stable; thence north eighty-one degrees west, thirty-five perches to the west side of John Shryock's lots; thence south nine degrees east, fifteen and one half perches to Market-street; thence with said street south eighty-one degrees east, eighteen perches to a post on the north side of said road; thence south nine degrees east, seventy-six perches to the creek at Washington-street; thence by the south side of the aforesaid street south eighty-one degrees east, twenty perches to the corner of the reverend Mr. Stock's lot; thence south nine degrees west, fifteen and one half perches to the south end of said lot; thence south eighty-one degrees east, nineteen perches to an alley; thence with said alley south nine degrees west, forty-eight perches to the place of beginning.

Sec. 2.

Sec. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members for the legislature, who have resided in said borough twelve months previous to such election, to meet at the court-house in the said borough on the first Monday in May in every year, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one reputable citizen residing therein, who shall be stiled the burgess of the said borough, and five reputable citizens to be a town council, and shall also elect as aforesaid, one reputable citizen as high constable; but previous to such election the inhabitants shall elect two reputable citizens as judges, one as inspector and two as clerks of the said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for mal-practices as by the said law is imposed: And the said judges, inspectors and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; whereupon duplicate certificates thereof shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation: And in case of death, resignation, removal or refusal to accept of any of the said offices, the burgess or in his absence or inability to act, the first named

Of choosing borough officers; when to be chosen and manner of choosing them.

named of the town council shall issue his precept directed to the high constable, requiring him to hold an election in manner aforesaid, to supply such vacancy, giving at least ten days notice by advertisements, set up at four of the most public places in the said borough.

The burgess & town council created a body politic, with the usual corporate powers.

Sec. 3. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in May next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of "The burgess and town council of the borough of Chambersburg," and shall have perpetual succession: And the said burgess and town council aforesaid, and their successors, shall be capable in law, to have, get, receive, hold and possess goods and chattels, lands, and tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also to give, grant, sell, let and assign, the same lands, tenements, hereditaments and rents and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter: Until it shall be otherwise directed by law, the inhabitants of the said borough may hold two fairs every year hereafter, to continue two days each, commencing on the first Thursday in June, and upon the first Thursday in October.

The inhabitants of Chambersburgh authorised to hold two fairs annually.

Sec. 4.

Sec. 4. *And be it further enacted by the authority aforesaid*, That if any person duly elected as burgess, or a member of the town council, or constable as aforesaid, and having received notice thereof as aforesaid, shall refuse or neglect to take upon himself the execution of the office, to which he shall have been elected, every person so refusing or neglecting shall forfeit and pay the sum of twenty dollars, which fine and all other fines and forfeitures incurred and made payable in pursuance of this act, or of the bye-laws and ordinances of the town council, shall be for the use of the said corporation.

Penalty for refusing to act as a borough officer, to be applied to the use of the corporation.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the burgess, town council and high constable, and each of them, before entering upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the said county, to support the constitution of the United States and of this state and to execute the duties of their respective offices with fidelity, and the certificates of such oaths and affirmations shall be filed among the records of the said corporation.

Qualifications of the borough officers.

Sec. 6. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the town council, to meet as often as occasion may require, and enact such bye-laws, and make such rules, regulations and ordinances, as shall be determined by a majority of them necessary, to promote the peace, good order, benefit and advantage of said borough, particularly of providing for the regulation of the market, streets, alleys and highways therein; they shall have power to assess, apportion

The town council empowered to make the necessary bye-laws, &c.

to assess taxes,

apportion and appropriate, such taxes as shall be determined by a majority of them necessary, for carrying the said rules and ordinances from time to time into complete effect; and also to appoint a town clerk, treasurer, two persons to act as street and road commissioners, and a clerk of the market annually, and such other officers as may be deemed necessary from time to time: *Provided*, That no bye-law, rule or ordinance of the said corporation, shall be repugnant to the constitution or laws of the United States or of this commonwealth, and that no person shall be punished for a breach of a bye-law or ordinance made as aforesaid, until three weeks have expired after the promulgation thereof, by at least four advertisements set up in the most public places in the said borough: *And provided also*, That no tax shall be laid in any one year, on the valuation of taxable property exceeding one cent in the dollar, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing under their hands, shall approve of and certify the same to the town council, who shall proceed to assess the same accordingly.

to appoint a town clerk, treasurer, &c.

Proviso, that no bye-laws &c. shall be repugnant to the constitution or laws of the U. S. or this state.

Annual taxes limited as to amount.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the burgess elected and qualified agreeably to this act, is hereby authorised and empowered to issue his precept, as often as occasion may require, directed to the high constable, commanding him to collect all taxes assessed, and fines and forfeitures imposed by this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer, and the said burgess is hereby authorised to carry into effect, all bye-laws enacted

How taxes are to be collected and to whom paid.

enacted by the council, and whatever else shall be enjoined on him for the well ordering and governing the said borough: He shall have jurisdiction in all disputes between the corporation and individuals, arising under the bye-laws.

Duties and accountability of the town clerk.

Sec. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk, to attend all meetings of the council when assembled upon business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the corporation, whose attestation with the seal of the corporation, shall be good evidence of the act or thing so certified.

The treasurer to give security, &c.

Sec. 9. *And be it further enacted by the authority aforesaid,* That the treasurer shall give security for the faithful discharge of the duties of the office, and for the safe delivery of all monies, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose.

The officers appointed by the corporation to render their accounts annually for settlement.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the street commissioners, treasurer, constable and clerk of the market, as well as all other officers which may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlement, and the said accounts being adjusted and settled accordingly,

cordingly, shall be forthwith published by the said council, shewing particularly the amount of taxes laid and collected, and of the expenditures.

Duties of the high constable.

Sec. 11. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the high constable to give notice of, the annual elections of the said borough, by setting up advertisements in the Market and three other public places in the said borough, ten days previous thereto, he shall attend and see that the same is opened at the time, and in the manner directed by this act: *Provided*, That it shall be the duty of the constable residing therein for the time being, to publish and superintend the election to be held on the first Monday in May next, as is herein before directed.

The waters of Conococheague creek not to be obstructed or diverted.

Sec. 12. *And be it further enacted by the authority aforesaid*, That the waters of the Falling Spring and Conococheague creek, passing through the said borough, shall not in the least be obstructed or diverted by the said corporation, but the same shall remain as heretofore.

Appeal allowed to persons feeling themselves aggrieved by any thing done in pursuance of this act.

Sec. 13. *And be it further enacted by the authority aforesaid*, That if any person or persons shall think him or themselves aggrieved, by any thing done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions, to be held for the proper county, upon giving security according to law to prosecute his, her or their appeal with effect, and the court having taken such order therein as shall seem to them just and reasonable,

sonable, the same shall be conclusive against all parties.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXXXVIII.

An ACT *erecting certain election districts in Cumberland county.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the township of Tyrone, in Cumberland county, shall be a separate election district, and the electors thereof shall hold their general elections at the school-house in the town of Landisburgh, any former law or laws to the contrary notwithstanding.

Tyrone township in Cumberland county erected into an election district, and place of holding elections.

Sec. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of Teboyne, in Cumberland county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Henry Simmerman in said township,

Teboyne township similitur.

ship, any former law or laws to the contrary notwithstanding.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXXXIX.

An ACT *to erect the townships of Pennsbury, Kennett, East-Marlborough and Newlin, in the county of Chester, into a separate election district.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the townships of Pennsbury, Kennett, East-Marlborough and Newlin, in the County of Chester, shall be a separate election district, to be called the ninth district, and the electors thereof shall hold their general elections at the house now occupied by Joseph Pierce, in the township of East-Marlborough aforesaid, commonly known by the name of the Red Lion tavern.

Pennsbury, Kennet, East-Marlborough and Newlin townships in Chester county, to be a separate election district and place where elections to be held.

SIMON SNYDER, *Speaker of the House of Representatives,*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER CXL.

An ACT *to authorise any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams, for mills and other water-works.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That all and every person or persons owning lands, adjoining any navigable stream of water, declared by law a public highway, except the rivers Delaware, Lehi and Schuylkill, be, and they or either of them are hereby authorised to erect a dam or dams, for a mill or mills or other water-works upon any such stream of water, adjoining their own lands, and to keep the same in good repair, and also to lead off, thereby on his or their own land, so much of the water of such stream as may be necessary for his or their mill, or mills or other water-works: *Provided*, That the said person or persons, his, or their heirs and assigns in erecting the said dam or dams, or keeping them in repair, shall not obstruct or impede the navigation of such stream, or prevent the fish from passing up the same: *And provided also*, That the person or persons so erecting said dam or dams shall not infringe on or injure the rights and privileges of the owner or possessor of any private property on such stream.

Persons owning lands adjoining navigable streams of water, declared public highways, authorised to erect mill dams thereon adjoining their own lands, &c.

Conditions annexed to the privilege.

Sec. 2.

Proceedings where the navigation is obstructed or passage of fish impeded by such dams.

Sec. 2. *And be it further enacted by the authority aforesaid,* That on complaint made to the judges of the court of quarter sessions of any county in this commonwealth, that any such dam obstructs the navigation or impedes the passage of fish, they shall appoint three commissioners, who shall view such dam and compare it with the provisions of this act, and report to them at their next sessions, the state thereof, and if it shall appear to the said court, that an offence has been committed against this act, the court shall direct a bill of indictment, to be sent to the grand jury, and upon prosecution to conviction of such offence, the person or persons so convicted, shall be liable to pay a fine not exceeding one hundred dollars, one moiety thereof, to the prosecutor, and the other to be applied to the repairing of the roads or highways in the adjoining township or townships, and shall also pay such damages to the person or persons complaining as shall be found by the jury under the direction of the court, and the court shall direct the supervisors of the highway of the adjoining township, forthwith to remove every such artificial obstruction in such manner as to bring the same within the limitations and provisions of this act at the cost of the person so convicted.

Where the owners of any boat &c. suffer damage or is delayed by any dam &c. how the loss is to be estimated, where it does not exceed $50.

Sec. 3. *And be it further enacted by the authority aforesaid,* That if the owner or owners of any raft, boat or other vessel or other person having the charge thereof, shall be obstructed or suffer damage, or shall be delayed in his or their passage on any stream within the jurisdiction of this commonwealth, that now is or hereafter may be declared a public highway, by any dam or dams as aforesaid,

or

or fish dam or any other device whatsoever, made or erected in any stream, which was declared by law to be a public stream or highway, within the jurisdiction of this commonwealth, before the time the damage or obstruction actually happened, it shall be the duty of any justice of the peace of the county in which such dam or dams as aforesaid, or fish dam or other device is or are erected, on application of the owner or owners of the raft, boat or other vessel, or of the person having the charge thereof, to cause the owner of such dam or dams or other device, forthwith to appear before him the said justice, and if on the appearance of the said owner, the the parties cannot agree in respect to the damage alledged to be done, or in the choice of referees to determine the same, it shall be the duty of the said justice, forthwith to appoint three disinterested persons, whose duty it shall be to view the injury so sustained, and inquire into the loss occasioned by delay, and make an estimate thereof on oath or affirmation, if such oath or affirmation is required, by either of the parties, and it shall be the duty of such justice of the peace, forthwith to award judgment and issue execution in a summary manner, for the amount, with costs of suit: *Provided, however*, That the said damages so to be recovered, do not in the whole exceed the sum of fifty dollars; but if damages shall be alledged to a greater amount than fifty dollars, the same may be sued for and recovered in the court of common pleas, of the county wherein the said damages shall have been sustained: *And provided also*, That appeals shall be allowed from the judgment of the justice of the peace, given for damages as aforesaid,

And how the amount to be recovered, where it exceeds that sum.

to

to the court of common pleas as in other cases.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

I DO hereby certify, that the bill, entitled "An act to authorise any person or persons "owning lands adjoining navigable streams of "water, declared public highways, to erect "dams upon such streams for mills and other "water-works," which has been disapproved by the Governor, and returned with his objections to the senate, in which it originated, has been approved of by two thirds of the senate, agreebly to the directions of the constitution in such case made and provided, and that the foregoing is the act so approved by the senate.

ROBERT WHITEHILL, *Speaker of the Senate.*

Attest.

GEORGE BRYAN, *C. S.*

I DO hereby certify, that the bill, entitled "An act to authorise any person or persons "owning lands adjoining navigable streams of "water, declared public highways, to erect "dams upon such streams for mills and other "water-works," which has been disapproved by the Governor, and returned with his objections to the senate, in which it originated, has

has been approved of by two thirds of the House of Representatives, agreeably to the directions of the constitution in such case made and provided, and that the foregoing is the act so approved by the house of representatives.

SIMON SNYDER, *Speaker*
of the House of Representatives.

Attest,
MATTHEW HUSTON, *C. H. R.*

CHAPTER CXLI.

An ACT *for establishing and confirming the places for holding the courts of justice, and for erecting the public buildings for the county of Mercer.*

WHEREAS in pursuance of an act passed the sixth of April, one thousand eight hundred and two, entitled "An act to establish the places for holding the courts of "justice in the counties of Armstrong, Butler and Mercer," it appears that the Governor did appoint Isaac Weaver, John Hamilton, Thomas Morton, James Brady and Presly Carr Lane, esquires, commissioners to perform the duties enjoined and required by said act: And whereas, by the report of said commissioners deposited by them, in the office of the Secretary of the commonwealth, and before the general assembly, it appears that the said commissioners have performed the duties enjoined and required by the said act, in order therefore to complete and secure to the people of said county of Mercer, the benefits intended in and by the act aforesaid.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That William M'Mullen, John Findly and William Mortimore, be, and they are hereby appointed trustees for the county of Mercer, and the said trustees or a majority of them, are hereby authorised and required to survey or cause to be surveyed, two hundred acres of land, situate on the west side of Otter creek, being the same tract or tracts of land on which John Garver, and a part of the tract on which John Pugh* has been settled by John Hoge, particularly described and set forth in the report of the commissioners, under the act, entitled "An act to establish the place "for holding the courts of justice in the coun-"ties of Armstrong, Butler and Mercer," and given and granted under an obligation made and executed by John Hoge to the Governor, in trust and to the use of said county of Mercer; and the said trustees or a majority of them, are hereby authorised and required to lay out a convenient lot or lots of land, within the aforesaid two hundred acres, not exceeding five acres, whereon the public buildings for the use of the county of Mercer shall be erected, and the said lot or lots being so laid out the surplus of the said two hundred acres shall be laid out into town-lots and out-lots, in such manner, and with such streets, not more than one hundred nor less than sixty feet wide, and such lanes and alleys for public uses as the said trustees shall direct; provided not more than eighty square perches, nor less than forty square perches shall be contained in any town-lot, nor more than five acres in any out-lot; and the said town being so surveyed and laid out shall be called Mercer, and the streets,

Trustees appointed for the county of Mercer; who are to survey 200 acres of land, on the west side of Otter-creek &c.—To lay out a convenient lot or lots, not exceeding 5 acres, for the erection of public buildings &c. and the residue of said 200 acres, into town and out lots.

Dimensions of the lots;

town to be called "Mercer."

* *Pue* in the original.

lanes

lanes and alleys so laid out shall be and remain common highways for ever.

Sec. 2. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said trustees, to sell by public auction, the said town-lots and out-lots, at such time as they may judge most advantageous to the county, which sale shall be held at the house of John Pugh in the said county, previous to which the said trustees shall advertise the same, three times at least in one or more of the newspapers printed in Pittsburg, Greensburg, Lancaster and Philadelphia, three months before the day appointed for such sale, and before the advertisements are published as aforesaid, transmit a map or draught of the town-lots and out-lots to the Secretary of the commonwealth, to be deposited in his office; and with the money arising from the sale of the town-lots and out-lots aforesaid, the trustees shall proceed to erect a court-house, jail, and other necessary public buildings for the use of the county of Mercer: *Provided*, That before said trustees enter on the duties herein enjoined and required of them, they shall demand and receive sufficient deeds, in fee simple, from the aforesaid John Hoge of the above described two hundred acres of land, in trust for the use of the said county of Mercer, agreeably to the grant of the same heretofore made to the Governor by the said John Hoge, and shall procure the same to be recorded in the office for recording of deeds, for Crawford county, and when the said titles shall be so completed, it shall be the duty of the said trustees and they are hereby authorised and required, to make out and grant sufficient deeds, in fee simple, for the town-lots and out-lots by them sold in pursuance of this act. Sec. 3.

Said trustees to sell the town and out lots at public auction, having given 3 months public notice of such sale, and transmitted a plot of the town to the office of the Secretary of the commonwealth, and with the proceeds of such sale to erect the public buildings &c.

But they are first to demand and receive sufficient deeds in fee simple, for the said 200 acres of land in trust &c.

and cause the same to be recorded in the recorders office of Crawford county; after which they are to make the necessary conveyances for the lots by them sold &c.

for the Cheltenham and Willow grove turnpike road,

George Rex, Daniel de Beneville and Richard T. Leech be, and they are hereby appointed commissioners to do and perform the several duties herein after mentioned; that is to say, they shall on or before the first day of May next, procure two books and in each of them enter as follows: "We whose names are "hereto subscribed, do promise to pay to the "president, managers and company of the Chel- "tenham and Willow-grove turnpike road, the "sum of one hundred dollars for every share "of stock in the said company set opposite "to our respective names, in such manner "and proportions as shall be determined by "the said president and managers, in pursu- "ance of an act of the general assembly of "this commonwealth, entitled "An act to ena- "ble the Governor of this commonwealth, to "incorporate a company for making an artifi- "cial road from the Rising-Sun tavern, through "Shoemakerstown, to the Red Lion on the "old York road," witness our hands, the "day of in the year of our "Lord, one thousand eight hundred and "three;" and shall give notice in three of the public newspapers in the city of Philadelphia, for one month at least, of the times when, and places where, the said books will be open to receive subscriptions of stock for the said company, at which times and places three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall be kept open for the purpose, at least four hours in every juridical day, for the space of three days, if three days shall be necessary, and if at the expiration of the said three first days, the said books shall not have five hundred shares therein subscribed.

form of subscription,

notice of the times and places of subscription to be published,

for what time the books are to be kept open,

the

the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed; of which adjournment public notice shall be given in at least two public papers, and when the said subscriptions in the said books shall amount to the number aforesaid, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own name or in the name of any other person, shall previously pay to the attending commissioners, fifteen dollars for every share to be subscribed, out of which shall be defrayed the expence attending the taking such subscriptions and other incidental charges, and the remainder shall be deposited in the bank of Pennsylvania for the use of such corporation, as soon as the same shall be organised, and the officers chosen as herein after mentioned.

Commissioners may adjourn from time to time till all the share are subscribed for; notice of such adjournment to be published: subscribers to pay a deposit of £15 for every share subscribed; appropriation.

Sec. 2. *And be it further enacted by the authority aforesaid*, That when forty persons or more, shall have subscribed one hundred and fifty shares or more of the said stock, the said commissioners may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals, the names of the subscribers, and number of shares subscribed by each subscriber, to the Governor of this commonwealth, whereupon he shall by letters patent under his hand and the seal of the state, create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall thereafter subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title, of "The Cheltenham and Willow-grove turnpike "company," and by the said name, the said subscribers

When a certain number of shares, or the whole are subscribed, commissioners to certify the same to the Governor, who shall thereupon incorporate the subscribers, style and powers of the corporation.

subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns, in fee simple, and for any lesser estate, all such lands, tenements, hereditaments, and estate real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing, which a corporation or body politic may lawfully do.

The commissioners to notify the subscribers to meet in order to organise the corporation;

Sec. 3. *And be it further enacted by the authority aforesaid*, That the commissioners herein before named, shall as soon as conveniently may be, give thirty days notice in three public newspapers in Philadelphia, one whereof shall be in the German language, of the time and place by them appointed, for the said subscribers to meet in order to organise the said corporation, and to choose by a majority of votes, of the said subscribers by ballot, to be delivered in person or by proxy duly authorised, one president, twelve managers, one treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company, until the second Monday in November next, and until like officers shall be chosen; and may make such bye-laws, rules, orders and regulations, as do not contravene the constitution and laws

and to choose officers;

of

of this commonwealth, and may be necessary for the well governing the affairs of the said company: *Provided always*, That no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number. number of votes limited.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said company shall meet on the second Monday of November in every year, at such place as shall be fixed by their bye-laws, for the purpose of choosing such other officers as aforesaid, for the ensuing year in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their bye-laws; at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such bye-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act. The times of annual and special meetings of the company; and powers of the company a such meetings.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the president and managers first chosen as aforesaid, shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, he paying fifteen dollars for each share; which certificate shall be transferable at his pleasure, in person or by attorney duly authorised, Certificates of shares to be issued on payment of $15 each; which certificates shall be transferable.

thorised, in the presence of the president or treasurer, subject however to all payments due and to grow due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estate and emolument of the company, and to vote as aforesaid at the meetings thereof.

Meetings of the president and managers and proceedings at such meetings.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers, shall, meet at such times and places as shall be ordained by their bye-laws, and when met seven members shall form a quorum, and who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendants and other artists, and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages, to ascertain the times when, and manner and proportion in which the stockholders shall pay the monies due on their respective shares, to draw on the bank of Pennsylvania, for all monies which shall have been so aforesaid deposited, necessary to pay the salaries or wages of persons by them employed and for the materials: *Provided,* Such drafts shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their treasurer; and generally to do all such other acts, matters and things, as by

this

is act, by the bye-laws, rules, orders and gulations of the company, they shall be au- orised to do.

Sec. 7. *And be it further enacted by the au- ority aforesaid,* That if after thirty days no- e in three of the public newspapers, printed the city of Philadelphia, of the time and ace appointed for the payment of any pro- rtion or dividend of the said capital stock, order to carry on the work, any stockholder ll neglect to pay such proportion or divi- d, at the place appointed, for the space of rty days after the time so appointed, every h stockholder or his assignee shall in ad- ion to the dividends so called for, pay after rate of five per cent. per month for delay such payment, and if the same and the said ditional penalty shall remain unpaid, for such ce of time as that the accumulated penal- shall become equal to the sums before d, in part, and on account of such shares, same shall be forfeited to the said compa- , and may and shall be sold to any person persons willing to purchase, for such price can be obtained for the same.

Regulations in case stockholders neglect to pay their dividend of capital.

Sec. 8. *And be it further enacted by the au- rity aforesaid,* That the said road shall be de in, over and upon, the bed of the pre- t road; beginning at the new Rising Sun rn on the Germantown road; thence ex- ding by John Shoemaker's mill to the Red n tavern near the fourteen mile-stone: *vided always,* That no surveyor, superin- dant, artist or other person or persons em- yed by the said company, to lay out the road, shall enter upon, or go through any d or lands belonging to any person or per- sons,

The rout or track of the road.

No officer of the company to enter on private property without permission.

sons, without first obtaining permission of the owner or owners thereof.

Width of the road to be laid out by the company and the ascent or descent thereof limited;

Sec. 9. *And be it further enacted by the authority aforesaid*, That the said president, managers and company, shall cause a road to be laid out of not less than fifty, nor more than sixty feet in width, in such manner as that the present buildings on said road be not injured, and at least twenty-four feet thereof to be made an artificial road, bedded with wood, stone, gravel or any other hard substance well compacted together, and of sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm and as near as the materials will admit of, an even surface, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line; and shall forever hereafter maintain and keep the same in good and perfect order, from the Rising Sun tavern, to the Red Lion tavern on the old York road; and the said president, managers and company, shall have power to erect permanent bridges over all the waters crossing the said road.

to be forever kept in repair;

the president, managers &c. shall have power to erect bridges.

Mode of proceeding to obtain licence to turnpike

Sec. 10. *And be it further enacted by the authority aforesaid*, That so soon as the said president, managers and company, shall have perfected the said road, from the Rising Sun tavern the distance of two and a half miles, and also when they shall have completed the next succeeding five miles, likewise when the remainder shall be finished, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate

nate and appoint three disinterested persons, to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly and workman-like manner, according to the true intent and meaning of this act, and if their report shall in either case be in the affirmative, then the Governor shall by licence under his hand and the lesser seal of this commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the toll and duties herein after granted to the said company, from all persons travelling on the same, with horses, cattle, carts and carriages: *Provided*, That all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls in going to and returning therefrom.

Persons going to and from funerals and places of worship exempted from paying tolls.

Sec. 11. *And be it further enacted by the authority aforesaid*, That when the said company is licensed, in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive, of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle hogs, sheep, coach, coachee, sulkey, chair, chaise, phæton, cart, waggon, wain, sleigh, sled or any other carriage of burden or pleasure from passing through the said turnpikes, until they shall respectively have paid the same; that is to say, for every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for

The company being licenced may appoint toll-gatherers;

for any lesser distance, or for any greater lesser number of sheep, hogs or cattle, to w

amount of tolls prescribed;

For every score of hogs, six cents; for eve score of sheep, six cents; for every score cattle, twelve cents; for every horse and l rider or led horse, three cents; for every s key, chair or chaise, with one horse and t wheels, six cents; and with two horses, ni cents; for every chariot, coach, phæton chaise with two horses and four wheels, twe cents; for either of the carriages last mentio ed with four horses, twenty cents; for eve other carriage of pleasure under whatever na it may go, the like sums according to t number of wheels and horses drawing t same; for every stage-waggon with two hors twelve cents; and for every such waggon wi four horses, twenty cents; for every sleig three cents for each horse drawing the same and for every sled, two cents for each hors drawing the same; for every cart or waggo whose wheels shall not exceed seven inches, thre cents for every horse drawing the same; fo every cart or waggon, the breadth of whos wheels shall be more than seven inches, an not more than ten inches, or being of th breadth of seven inches, shall roll more tha ten inches, two cents for every horse drawi the same; for every cart or waggon the breadt of whose wheels shall be more than ten inches and not exceeding twelve inches, or being te inches shall roll more than fifteen inches one cent for every horse drawing the same for; every cart or waggon, the breadth o whose wheels shall be more than twelve inches, one cent for every horse drawing th same; and if any person or persons shall re present to the said company, or any of their officers,

penalty for attempting to defraud the company or their officers;

officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of its toll or any part thereof, such person or persons shall for every such offence, forfeit and pay to the use of the said company the sum of sixteen dollars; and if any toll-gatherer shall demand and receive toll, for a greater distance than the person of whom such toll is demanded, shall have travelled along the said turnpike road, or shall demand and receive greater toll from any person or persons, than such toll-gatherer is authorised to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

penalty on toll-gatherers asking too much toll;

appropriation thereof.

Sec. 12. *And be it further enacted by the authority aforesaid,* That no waggon or other carriage with four wheels, the breadth of which wheels shall not be four inches, shall be drawn along the said road, between the first day of November, and the first day of May following in any year, with a greater weight thereon than two and a half tons, or with more than three tons the residue of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the first days of November and May, with more than three and a half tons, or with more than four tons during the residue of the year; that no such carriage, the breadth of whose wheels shall not be ten inches or more,

Description & burthen of waggons and carriages permitted to travel during the several specified seasons.

or

or being less, shall not roll at least twelv
ches, shall be drawn along the said road
tween the first days of November and
with more than five tons, or with more
five and a half tons, during the residue o
year; that no cart or other carriage with
wheels, the breadth of which shall not be
inches, shall be drawn along the said road
a greater weight thereon than one and a qu
tons, between the said first days of No
ber and May, or with more than one a
half tons during the residue of the year;
no such carriage whose wheels shall no
the breadth of seven inches, shall be d
along the said road with more than two a
half tons, between the first days of No
ber and May, or with more than three
during the residue of the year; that no
carriage, whose wheels shall not be of
breadth of ten inches, shall be drawn a
the said road between the first days of No
ber and May, with more than three and a
tons, or with more than four tons durin
residue of the year; that no greater w
than seven tons shall be drawn along
said road in any carriage whatever, bet
the said first days of November and
nor more than eight tons during the re
of the year; that if any cart, waggon o
riage of burden whatsoever, shall be d
along the said road with a greater weight
is hereby allowed, the owner or owners of
carriage, shall forfeit and pay four time
customary toll to the use of the comp

Proviso that these regulations may be altered by bye-laws.

Provided always, That it shall and ma
lawful for the said company by their bye-
to alter any or all of the regulations h
contained, respecting the burdens on carr
to be drawn over the said road, and to

s

stitute other regulations, if upon experience such alterations shall be found conducive to the public good: *Provided always*, That such regulations shall not lessen the burdens of carriages above described.

But not so as to lessen the burdens of carriages.

Sec. 13. *And be it further enacted by the authority aforesaid*, That all such carriages as aforesaid, to be drawn by oxen in the whole or partly by horses, and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

In charging tolls two oxen to be estimated as one horse, and every mule as one horse.

Sec. 14. *And be it further enacted by the authority aforesaid*, That if the said company shall neglect to keep the said road in good and perfect order for the space of five days, and information thereof, shall be given to any justice of the peace of the neighbourhood, within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall at such time and place on the oaths or affirmations of the said persons, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning

Proceedings in case the company do not keep the road in good order.

or being less, shall not roll at least twelve inches, shall be drawn along the said road between the first days of November and May, with more than five tons, or with more than five and a half tons, during the residue of the year; that no cart or other carriage with two wheels, the breadth of which shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of November and May, or with more than one and a half tons during the residue of the year; that no such carriage whose wheels shall not be the breadth of seven inches, shall be drawn along the said road with more than two and a half tons, between the first days of November and May, or with more than three tons during the residue of the year; that no such carriage, whose wheels shall not be of the breadth of ten inches, shall be drawn along the said road between the first days of November and May, with more than three and a half tons, or with more than four tons during the residue of the year; that no greater weight than seven tons shall be drawn along the said road in any carriage whatever, between the said first days of November and May, nor more than eight tons during the residue of the year; that if any cart, waggon or carriage of burden whatsoever, shall be drawn along the said road with a greater weight than is hereby allowed, the owner or owners of such carriage, shall forfeit and pay four times the customary toll to the use of the company:

Proviso that these regulations may be altered by bye-laws.

Provided always, That it shall and may be lawful for the said company by their bye-laws, to alter any or all of the regulations herein contained, respecting the burdens on carriages to be drawn over the said road, and to substitute

stitute other regulations, if upon experience such alterations shall be found conducive to the public good: *Provided always*, That such regulations shall not lessen the burdens of carriages above described.

But not so as to lessen the burdens of carriages.

Sec. 13. *And be it further enacted by the authority aforesaid*, That all such carriages as aforesaid, to be drawn by oxen in the whole or partly by horses, and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

In charging tolls two oxen to be estimated as one horse, and every mule as one horse.

Sec. 14. *And be it further enacted by the authority aforesaid*, That if the said company shall neglect to keep the said road in good and perfect order for the space of five days, and information thereof, shall be given to any justice of the peace of the neighbourhood, within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall at such time and place on the oaths or affirmations of the said persons, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning

Proceedings in case the company do not keep the road in good order.

meaning of this act, the said justice shall certify and send one copy of the said inquisition, to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road, shall be put in good and perfect order and repair as aforesaid, and if the same shall not be so put into good and perfect order and repair before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition aforesaid, to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company, with the care and superintendance of such part of the said road, as shall be so found defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of their duty, and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied

plied to repairing the public roads within such township.

Penalty on persons attempting to evade the payment of tolls.

Sec. 15. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair or chaise, phæton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates, or bars, or along or over any private passage, way or other ground near to, or adjoining any turnpike, or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty, for passing through any such gate or turnpike, or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mare or gelding or other cattle, from any sulkey, chair, chaise, phæton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll, or duty may be evaded or lessened, all, and every person or persons in all or every or any of the ways or manners aforesaid offending, shall for every such offence respectively forfeit and pay to the president, managers and company, of the Cheltenham and Willow-grove turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace in like manner, and subject to the same rules and regulations as debts of a similar amount may be sued for and recovered: *Provided always,*

That

ges to the end that the clear annual income and profits thereof may be ascertained and known, and if at the end of two years after the said road shall be completed from the beginning to the end thereof, it shall appear from the average profits at the end of the said two years, that the said clear income and profits thereof will not bear a dividend of six per cent. per annum, on the whole capital stock of the said company so expended, then it shall and may be lawful for the said president, managers and company, to increase the tolls herein before allowed, so much upon each and every allowance thereof, as will raise the dividend up to six per cent. per annum, and at the end of every year after the said road shall be completed, they shall render unto the general assembly a like abstract of their accounts, and if at any time the said clear income and profits thereof shall exceed a dividend of nine per cent. per annum, the surplus above that amount when sufficient shall arise, shall be appropriated by the said president and managers, to the purchase of such share or shares of the said stock, as the money arising from the said surplus as aforesaid will be found adequate to purchase, until all the said shares shall be so purchased, and the said subscribers shall determine by lot from time to time, whose share or shares shall be paid off by the money arising as aforesaid, for which shares the said company shall pay the sums, which were originally paid for each respective share, and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free and no toll whatever shall be exacted.

if the profits do not amount to six per cent the tolls may be increased;

provision for the extinguishment of the tolls.

Sec. 19.

Sec. 19. *And be it further enacted by the authority aforesaid*, That the said company shall cause posts to be erected and continued, at the intersection of every public road falling into and leading out of the said turnpike road, with a board and index-hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters the name of the town, village or place to which such road leads, and the distance thereof in computed miles.

Posts of direction to be erected.

Sec. 20. *And be it further enacted by the authority aforesaid*, That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from said new Rising Sun tavern, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the said tavern, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the said tavern, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the said road or within the limits of the same, and suffer to remain for the space of one

Mile-stones to be placed on the side of the road

penalty on persons destroying or defacing mile-stones, index-hands &c.

or throwing dirt or rubbish in the road;

one day, any mould, dirt, shavings, weed or rubbish of any kind, such person being convicted thereof, by the evidence of one or more creditable and disinterested witness or witnesses, before any disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding three dollars, to be recovered with costs as debts under five pounds are by law recoverable, which fine when recovered shall be paid by the said justice to the treasurer of the said company, for the use of said company.

appropriation thereof.

Drivers to keep the right hand side of the road in the passing direction.

Sec. 21. *And be it further enacted by the authority aforesaid*, That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure using the said road, shall except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass, and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any justice, in the same manner as debts under forty shillings are by law recovered.

The road not commenced in two nor finished in 7 years the benefits of this act may be rescinded.

Sec. 22. *And be it further enacted by the authority aforesaid*, That if the company shall not proceed to carry on the said work within two years after the passing of this act, or shall not within seven years afterwards complete the said road, according to the true intent and meaning of this act, then in either of those

those cases all and singular the rights, liberties, privileges and franchises hereby granted to the company shall revert to this commonwealth.

Sec. 23. *And be it further enacted by the authority aforesaid*, That if the legislature should at any time after the year one thousand eight hundred and twenty-five, think proper to take possession of the said road, three persons shall be appointed by the Governor, and three by the president and managers of the said company, and three by the judges of the supreme court, who are hereby required to appoint the same, who or any six or more of them not having any interest in the said road, shall proceed to examine and estimate the value of the property which the said company have therein, and certify the amount thereof to the Governor of this commonwealth, who shall cause the same to be laid before the legislature at their next session, and whenever the amount so certified shall be paid by the state to said company their right to take toll on the said road, together with all their right, title, claim and interest therein, shall cease and determine.

The right reserved to the state of purchasing the road.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXLIII.

An ACT *to enable the Governor of this Commonwealth, to incorporate a company for making an artificial road from the intersection of Front-street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville, on the river Delaware.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph Clunn, John M'Elroy, Derick Peterson, Isaac Worrell, Nathan Harper, James C. Fisher, Richard Gernon, be, and they are hereby appointed commissioner to do and perform the several duties herein after mentioned; that is to say, they shall on or before the first day of May next, procure two books, and in each of them enter as follows: "We whose names are "hereto subscribed, do promise to pay to the "president, managers and company, of the "Frankford and Bristol turnpike road com-"pany, the sum of one hundred dollars for "every share of stock in the said company "set opposite to our respective names, in such "manner and proportions as shall be deter-"mined by the said president and managers, "in pursuance of an act of the general as-"sembly of this commonwealth, entitled "An act to enable the Governor of this com-"monwealth, to incorporate a company for "making an artificial road from the intersec-"tion of Front-street and the Germantown "road,

Commissioners appointed to receive subscriptions for a turnpike road from Philadelphia to Morrisville;

form of subscription;

" road, in the Northern Liberties of the city " of Philadelphia, through Frankford and Bris- " tol, to the ferry at Morrisville in the coun- " ty of Bucks," witness our hands the " day of in the year of our Lord, " one thousand eight hundred and " and shall give notice in three of the public newspapers in the city of Philadelphia, (one whereof shall be in the German language) for one calendar month at least of the times when, and places where the said books will be open to receive subscriptions of stock for the said company, at which times and places three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books which shall be kept open for the purpose at least four hours in every juridical day, for the space of three days, if three days shall be necessary, and if at the expiration of the said three first days, the said books shall not have five hundred shares therein subscribed, the said commissioners may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given in at least two public papers, and when the said subscriptions in the said books shall amount to the number aforesaid, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books in his own name or in the name of any other person, shall previously pay to the attending commissioners fifteen dollars for every share to be subscribed, out of which shall be defrayed the expence attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the bank of Pennsylvania for the use of the company, intended to be incorporated

notice to be published;

who may subscribe;

commissioners may adjourn from time to time until 500 shares are subscribed; notice of such adjournment to be published.

Sum to be paid at the time of subscribing.

incorporated by this act, as soon as the same shall be organised and the officers chosen as herein after mentioned,

When & how a patent of incorporation shall be obtained;

Sec. 2. *And be it further enacted by the authority aforesaid*, That when forty persons or more shall have subscribed, two hundred and fifty shares or more of the said stock, the said commissioners may or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers, and number of shares subscribed by each to the Governor of this commonwealth, and thereupon it shall and may be lawful for the Governor by letters patent under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall after subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title, of "The president, managers and company, of the Frankford and Bristol turnpike road;" and by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, and for any lesser estate, all such lands, tenements, hereditaments and estate real and personal, as shall be necessary to them in the prosecution of their

style of the corporation;

the privileges and powers of the corporation.

works,

works, and of suing and of being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the commissioners herein before named, shall as soon as conveniently may be, give thirty days notice in three public newspapers in Philadelphia, one whereof shall be in the German language, of the time and place by them appointed for the said subscribers to meet in order to organise the said corporation, and to choose by a majority of votes of the said subscribers by ballots, to be delivered in person or by proxy duly authorised, one president, twelve managers, one treasurer and such other officers as shall be deemed necessary to conduct the business of the said company, until the second Monday in January next, and until like officers shall be chosen; and may make such bye-laws, rules, orders and regulations as do not contravene the constitution and laws of this commonwealth, and may be necessary for the well governing the affairs of the said company: *Provided always*, That no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

When & how the corporation officers shall be appointed;

of bye-laws.

Limitation of votes.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said company shall meet on the second Monday of November in every year, at such place as shall be fixed by their bye-laws, for the purpose of choosing such

Times and places for holding meetings of the corporation.

such other officers as aforesaid for the ensuing year in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their bye-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such bye-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

Certificates of stock to be prepared and shall be transferable

Sec. 5. *And be it further enacted by the authority aforesaid*, That the president and managers first chosen as aforesaid, shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, he paying fifteen dollars for each share, which certificate shall be transferrable at his pleasure in person or by attorney duly authorised, in the presence of the president or treasurer, subject however to all payments due and to grow due thereon; and the assignee holding any certificate having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estate and emolument of the company, and to vote as aforesaid at the meetings thereof.

Times & places of holding

Sec. 6. *And be it further enacted by the authority aforesaid*, That the said president and managers

managers shall meet at such times and places as shall be ordained by their bye-laws, and when met seven members shall form a quorum, and who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed they shall have full power and authority to appoint all such surveyors, engineers, superintendants and other artists and officers, as they shall deem necessary to carry on their intended works, and to fix their salaries and wages, to ascertain the times when, and manner and proportion in which the stockholders shall pay the monies due on their respective shares, to draw orders on the bank of Pennsylvania for all monies necessary to pay the salaries or wages of persons by them employed, and for the materials provided, which orders shall be signed by the president, or in his absence by a majority of a quorum and countersigned by their clerk, and generally to do all such other acts, matters and things as by this act and by the bye-laws, rules, orders and regulations of the company they shall be authorised to do.

the meetings of the president and managers;

their powers and duties.

Sec. 7. *And be it further enacted by the authority aforesaid*, That if any stockholder after thirty days notice in three of the public newspapers printed in the city of Philadelphia, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, shall neglect to pay such proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall in addition to the dividend so called for, pay after the

Penalty for not paying the dividends on subscriptions.

the rate of five per cent. per month for every month's delay of such payment, after the time first appointed for it to be made, and if the same and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid, in part, and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons for such price as can be obtained for the same.

Rout or track of the road.

Sec. 8. *And be it further enacted by the authority aforesaid*, That the said road shall be made in, over and upon the present road, beginning at the intersection of Front-street and the Germantown road, and extending through Frankford and Bristol, to the ferry at Morrisville on the river Delaware, in the county of Bucks, as nearly as may be consistently with economy and utility.

Form and structure of the road;

Sec. 9. *And be it further enacted by the authority aforesaid*, That the said president, managers and company, shall cause a road to be laid out sixty feet wide, and at least twenty-six feet thereof to be made an artificial road, bedded with wood, stone, gravel or any other hard substance well compacted together, and of sufficient depth to secure a solid foundation, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to form a firm, and as near as the materials will admit of an even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, and shall forever hereafter maintain and keep the same in good

to be forever kept in repair;

good and perfect order, from the beginning thereof by the route or track aforesaid, to the ferry at Morrisville aforesaid, and the said president, managers and company, shall have power to erect permanent bridges over all the waters crossing the said road.

power to erect bridges.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the bridge which the said president, managers and company shall erect over Neshaminy creek, shall be so constructed that one part thereof, not less than twenty-four feet shall hoist or draw for the free passage of such masted vessels, as shall from time to time have occasion to pass up and down the said creek, and the draw shall be set and placed in such part of the said bridge, as will render the passage of masted vessels through the same most easy, safe and convenient, which draw shall be ten feet above the surface of the creek at common tides, at time of high water, and so as to be most conducive to the free navigation of the said Neshaminy creek, and for the accommodation of travellers as well as the safety of the navigation, a lamp shall be placed by the said president, managers and company, on the said bridge near or adjoining to where the said draw shall be constructed, which lamp shall be lighted before dark every evening after the building the said bridge, so long as the said bridge shall stand, and continue lighted until day-light in the ensuing morning, and the said president, managers and company, shall give good and faithful attendance by some sufficient person or persons at the draw of the said bridge, and as speedily as the nature of the thing will permit, hoist or raise the said draw for all masted vessels for which a passage through the same

Construction of the bridge to be erected over Neshaminy creek;

and penalty for not keeping the same in good repair.

may be required, without any toll or exaction whatever therefor, and on neglect or failure of the said president, managers and company to support, maintain and uphold the said bridge when built, and at all times to keep it in good repair, on presentment of the said president, managers and company by the grand inquest, enquiring for the county of Bucks, and conviction thereupon at the general quarter sessions for said county, they shall be fined at the discretion of the said court in any sum not exceeding two hundred dollars.

Penalty for neglecting to attend the said bridge;

Sec. 11. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall for every neglect or failure in lighting or giving attendance at the said draw aforesaid, forfeit and pay the sum of twenty dollars, one moiety to be equally divided between the poor of the townships of Bensalem and Bristol, and the other moiety to the party complaining, or who shall sue for the same.

appropriation thereof.

Mode of proceeding to obtain licence to erect turnpike gates.

Sec. 12. *And be it further enacted by the authority aforesaid,* That so soon as the said president, managers and company shall have perfected five miles of the said road, beginning at the intersection of Front-street and the Germantown road, and also when they shall have completed each succeeding five miles, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested and skilful persons to view and examine the same, and report to him in writing whether the same is so far executed in a masterly and workman-like manner, according to the true intent and meaning of this act, and if their report

shall

shall be in the affirmative, then and in either case the Governor shall by licence under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said company, from all persons travelling on the same, with horses, cattle, carts and carriages: *Provided always*, That nothing in this act contained, shall authorise the said president, managers and company to erect or fix any gate or turnpike as aforesaid, upon or across the said road, within the bounds of the borough of Frankford, or within the bounds of the borough of Bristol: *And provided also*, That all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls in going to and returning therefrom.

Proviso that no gate shall be erected within the bounds of the boroughs of Frankford or Bristol; and who shall be exempt from paying tolls.

Sec. 13. *And be it further enacted by the authority aforesaid*, That the said company having perfected the said road or such part thereof, from time to time as aforesaid, and the same being examined, approved and licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper to collect, and receive of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving any horses, cattle, sheep, hogs, coach, coachee, sulkey, chair, chaise, phæton, cart, waggon, wain, sleigh, sled or any other carriage of burden or pleasure from passing through the said turnpikes, until they shall respectively have paid

The road being compleated toll-gatherers to be appointed;

amount of tolls prescribed;

paid the same; that is to say, for every five miles in length of the said road the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of sheep, six cents; for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse and his rider or led horse, three cents; for every sulkey, chair or chaise with one horse and two wheels, six cents; for every chariot, coach, phæton or chaise with two horses and four wheels, twelve and one-half cents; for either of the carriages last mentioned with four horses, twenty cents; for every other carriage of pleasure under whatever name it may go, the like sums according to the number of wheels and horses drawing the same; for every stage-waggon with two horses, twelve cents; and for every such waggon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or waggon whose wheels do not exceed the breadth of four inches, five cents for each horse drawing the same; for every cart or waggon whose wheels shall exceed in breadth four inches, and not exceed seven inches, three cents for every horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches shall roll more than ten inches, two cents for every horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than ten inches, and not exceed twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the

e same; for every cart or waggon the readth of whose wheels shall be more than velve inches, one cent for every horse drawg the same; and if any person or persons hall represent to the said company or any of heir officers, that he, she or they have traelled a less distance than he, she or they have ctually travelled along the said road, with ntent to defraud the said company of its toll or any part thereof, such person or persons shall for every such offence forfeit and pay to the use of the said company, any sum not exceeding sixteen dollars; and if any toll-gatherer shall demand and receive toll for a greater distance, than the person of whom such toll is demanded shall have travelled along the said turnpike road, or shall demand and receive greater toll from any person or persons, than such toll-gatherer is authorised to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the overseers of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

Penalty for deceiving toll-gatherers; appropriation thereof; penalty if toll-gatherers extort more than the act allows; appropriation.

Sec. 14. *And be it further enacted by the authority aforesaid*, That no waggon or other carriage with four wheels, the breadth of which wheels shall not be four inches, shall be drawn along the said road between the first day of November and the first day of May following in any year, with a greater weight thereon than two tons and a half, or with more than three tons the residue of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more shall not roll at least ten inches, shall be

Regulation of the wheels of carriages and the weight to be carried at different seasons.

be drawn along the said road between the said first days of November and May with more than three tons and a half, or with more than four tons during the residue of the year; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less shall not roll at least twelve inches, shall be drawn along the said road between the first days of November and May with more than five tons, or with more than five tons and a half during the residue of the year; that no cart or other carriage with two wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than one ton and a quarter between the said first days of November and May, or with more than one ton and a half during the residue of the year; that no such carriage whose wheels shall not be the breadth of seven inches, shall be drawn along the said road with more than two tons and a half between the first days of November and May, or with more than three tons during the residue of the year; that no such carriage, whose wheels shall not be of the breadth of ten inches, shall be drawn along the said road between the said first days of November and May, with more than three tons and a half, or with more than four tons during the residue of the year; that no greater weight than seven tons shall be drawn along the said road in any carriage whatever, between the said first days of November and May, nor more than eight tons during the residue of the year; and that if any cart, waggon or carriage of burden whatsoever, shall be drawn along the said road, with a greater weight than is hereby allowed, the owner or owners of such carriage shall forfeit and pay four

times

imes the customary toll to the use of the ompany: *Provided always*, That it shall and nay be lawful for the said company by their ye-laws, to alter any or all of the regulations herein contained respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations if upon experience such alterations shall be found conducive to the public good: *Provided always*, That such regulations shall not lessen the burdens of carriages above described.

Power of the company to alter these regulations, but not so as to lessen the burdens of carriages.

Sec. 15. *And be it further enacted by the authority aforesaid*, That all such carriages as aforesaid, to be drawn by oxen in the whole or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

Comparative toll for oxen, mules and horses.

Sec. 16. *And be it further enacted by the authority aforesaid*, That if the said company shall neglect to keep the said road in good and perfect order for the space of five days, and information thereof shall be given to any justice of the peace of the neighbourhood, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested freeholders to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition

Proceedings in case the road is not kept in good repair;

tion to be made under the hands of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the toll hereby granted to be collected at such turnpikes or gates for passing the interval of road between them shall cease to be demanded, paid or collected until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be so put into good and perfect order and repair, before the next general court of quarter sessions of the peace, to be held for the counties of Philadelphia or Bucks, the aforesaid justices shall certify and send a copy of the inquisition aforesaid, to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company, with the care and superintendance of such part of the said road as shall be found defective, and shall proceed upon such inquisition in the same manner and form, as upon indictments found by the grand inquest for the body of the county, against supervisors of the highways for neglect of their duty, and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the

case

case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to maintain and repair at the public expence thereof.

Appropriation of the penalties.

Sec. 17. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, owning, riding in or driving, any sulkey, chair, chaise, phæton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or owning, riding, leading or driving, any horse, mare, gelding, hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage, way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phæton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manners aforesaid offending shall for every such offence respectively,

Penalty on persons attempting to evade the payment of the tolls.

tively, forfeit and pay to the president, managers and company of the Frankford and Bristol turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered.

The president and managers to keep the company accounts of subscriptions &c.

Sec. 18. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company, shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions of all penalties for delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also all monies by them expended in the prosecution of their said work, and shall once at least in every year, submit such accounts to a general meeting of the stockholders until the said road shall be completed, and until all the costs, charges and expences of effecting the same shall be fully paid and discharged, and the aggregate amount of such expences shall be liquidated and ascertained, and if upon such liquidation or whenever the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act, or their own bye-laws, to increase the number of shares to such extent as shall be deemed sufficient

and submit the same to the general meeting of the stockholders;

and if the capital is found insufficient to complete the road, it may be enlarged.

sufficient to accomplish the work, and to receive and demand the monies subscribed for such shares, in like manner, and under the like penalties, as are herein before provided for the original subscriptions or as shall be provided by their bye-laws.

Sec. 19. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall also keep a just and true account of all and every the monies received by them, and make and declare a dividend of the clear profits and income thereof among all the subscribers to the said company's stock, all contingent costs and charges being first deducted, and shall on every the first Monday in November and May in every year, publish the half-yearly dividend to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

The president and managers to keep an account of the monies received and declare dividends on the profits.

Sec. 20. *And be it further enacted by the authority aforesaid,* That the said president and managers shall at the end of every year, from the date of the incorporation until the whole road shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, shewing the whole amount of capital expended in prosecution of the said work, of the income and profits arising from the said tolls for and during the said respective periods, together with an exact account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known, and if at the end of two years after

Accounts to be annually laid before the legislature in order to ascertain the clear income;

after the said road shall be completed from the beginning to the end thereof, it shall appear from the average profits at the end of the said two years, that the said clear income and profits thereof will not bear a dividend of six per cent. per annum, on the whole capital stock of the said company so expended, then it shall and may be lawful to and for the said president, managers and company to increase the tolls herein above allowed, so much upon each and every allowance thereof as will raise the dividend up to six per cent. per annum, and at the end of every year after the said road shall be completed, they shall render the general assembly a like abstract of their accounts, and if at any time the said clear income and profits thereof shall exceed a dividend of nine per cent. per annum, the surplus above that amount when sufficient shall arise, shall be appropriated by the said president and managers to the purchase of such share or shares of the said stock, as the money arising from the said surplus will be found adequate to purchase, until all the said shares shall be so purchased, and the said subscribers shall determine by lot from time to time whose share or shares shall be paid off by the money arising as aforesaid, for which shares the said company shall pay the sums which were originally paid for each respective share, and when the whole number of shares shall be purchased, then the said road shall be free.

if the profits do not amount to six per cent. the tolls may be increased;

provision for extinguishing the tolls.

Sec. 21. *And be it further enacted by the authority aforesaid*, That the said company shall cause posts to be erected at the intersection of every road falling into and leading out of the said turnpike road, with a board and index-hand pointing to the direction of such road, on

Posts of direction to be erected.

on both sides whereof shall be inscribed in legible characters, the name of the town, village or place to which such road leads, and the distance thereof in computed miles.

Mile-stones to be placed on the side of the road;

Sec. 22. *And be it further enacted by the authority aforesaid*, That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the intersection of Front-street and the Germantown road, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the commencement of the said turnpike road, and at every gate or turnpike by them to be fixed on the said road shall cause the distance from Philadelphia, and the distance from the nearest gates or turnpikes in each direction to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other conspicuous place, for the information of travellers and others using the said road, and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the road or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one or more credible and disinterested witnesses, before any disinterested justice of the peace of the county, he or she shall be adjudged

penalty for defacing index-posts, mile-stones &c.

or throwing rubbish in the road;

judged by the said justice to pay a fine not exceeding five dollars, to be recovered with costs as debts under forty shillings are by law recoverable, which fine when recovered shall be paid by the said justice to the treasurer of the said company, for the use of said company.

appropriation.

Drivers to keep the right hand side in the passing direction;

Sec. 23. *And be it further enacted by the authority aforesaid*, That all waggoners and drivers of carriages of all kinds whether of burden or pleasure using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriage on the right-hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and to repass, and if any driver shall offend against this provision he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any justice in the manner as debts under forty shillings are by law recoverable.

penalty for non-compliance.

Limitation of time for commencing and finishing the road,

Sec. 24. *And be it further enacted by the authority aforesaid*, That if the company shall not proceed to carry on the said work within two years after the passing of this act, or shall not within ten years afterwards complete the said road according to the true intent and meaning of this act, then in either of those cases all and singular, the rights, liberties, privileges and franchises hereby granted to the company shall revert to this commonwealth.

The right reserved to the

Sec. 25. *And be it further enacted by the authority aforesaid*, That if the legislature should at

at any time after the year one thousand eight hundred and twenty, think proper to take possession of the said road, three persons shall be chosen by the Governor of the commonwealth, and three by the president and managers of the said company, and three by the judges of the supreme court, who or any six or more of them shall proceed to examine and estimate the value of the property which the said company have therein, and certify the amount thereof to the Governor, who shall cause the same to be laid before the legislature at their next session, and whenever the amount so certified shall be paid, the right of the said company to take toll on the said road, together with all their right, title, claim and interest therein shall cease and determine.

State of purchasing the road and extinguishing the tolls.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXLIV.

An ACT *to authorise the several Courts of Quarter Sessions within their respective counties, to lay off, alter and divide townships, and for other purposes.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly*

sembly met, and it is hereby enacted by the authority of the same, That the several courts of quarter sessions of the peace of the commonwealth of Pennsylvania, in their respective counties shall from and after the passing of this act, have authority upon application by petition to them made, to erect new townships, to divide any township already erected, or to alter the lines of any two or more adjoining townships so as to suit the convenience of the inhabitants thereof, and the said several courts in their respective counties upon application so as aforesaid made to them, are hereby authorised and required to appoint three impartial men if necessary to enquire into the propriety of granting the prayer of the petition, and it shall be the duty of said men so appointed, or any two of them, to make a plot or draft of the township proposed to be divided, and the division line proposed to be made therein, or of the township proposed to be laid off, or of the lines proposed to be altered of any two or more adjoining townships as the case may be, if the same cannot be fully designated by natural lines or boundaries, all which they or any two of them shall report to the next court of quarter sessions, together with their opinion of the same, and at the court after that to which the report shall be so made, the court shall confirm or set aside the same as to them shall appear just and reasonable.

The courts of quarter sessions within the commonwealth empowered, on application made to them, to erect new townships &c.

how they are to proceed for that purpose.

Sec. 2. *And be it further enacted by the authority aforesaid,* That if the last legal place of settlement of any person or persons under the poor laws of this commonwealth, now is or hereafter shall be in any township divided by virtue of this act, and such person or persons shall become chargeable after the division thereof, he,

The last legal settlement of poor persons not to be affected by the division of any township &c.

he, she or they shall be supported by that township within the territory of which he, she or they resided at the time of gaining the settlement.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXLV.

An ACT *to enable the Governor to incorporate a company for making an artificial road, beginning at or near Downingstown, in the county of Chester, to Cornwall furnace, in the county of Dauphin, and from thence to the borough of Harrisburgh.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Richard Thomas, Matthew Stanly and James M'Connel, of Chester county; Cyrus Jacobs, Jacob Keller and John Erb, of Lancaster county; Moses Gilmore, John Elder and Gotlieb Orth, of Dauphin county; be, and they are hereby appointed commissioners to do and perform the several things herein after mentioned; that is to say, they shall on or before the first

Commissioners appointed to open books and receive subscriptions for the Downingstown, Ephrata and Harrisburgh turnpike road;

first Monday in May next procure three books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company, of the Downingstown, Ephrata and Harrisburgh turnpike road, the sum of one hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly, entitled An act to enable the Governor to incorporate a company for making an artificial road, beginning at or near Downingstown, in the county of Chester, to Cornwall furnace, in the county of Dauphin, and from thence to the borough of Harrisburgh," witness our hands the day of in the year of our Lord, one thousand eight hundred and three;" and shall thereupon give notice in two of the public newspapers printed in the city of Philadelphia, and in one or more of the public papers printed in the borough of Lancaster, and in one or more of the public papers printed in Harrisburgh respectively, for one calendar month at least, of the times and places in the said city, town and borough respectively, when and where the said books shall be open to receive subscriptions for the stock of the said company, at which respective times and places some two of the said commissioners shall attend, and shall permit and suffer all persons of lawful age who shall offer to subscribe in the said books, in their own names or in the name or names of any other persons, who shall duly authorise the same.

form of subscription;

notice of the times & places of subscription;

who may subscribe &c.

for

for any number of shares in the said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said book opened at Downingstown shall have seven hundred shares therein subscribed, the said book opened at Ephrata seven hundred shares therein subscribed, and the said book opened at Harrisburgh four hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid or any of them shall not have the respective number of shares as aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the said books from place to place aforesaid, until the whole number of shares shall be subscribed, of which adjournments and transfers the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed in all the said books shall amount to eighteen hundred the same shall be closed: *Provided always*, That every person offering to subscribe in the said books in his own name or in any other name, shall previously pay to the attending commissioners the sum of ten dollars for every share to be subscribed, out of which shall be defrayed the expences attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organised, and the officers chosen as herein after mentioned.

How long the books shall be kept open.

Commissioners may adjourn from time to time until all the shares are subscribed &c.

Subscribers to pay a deposit of $10 for every share &c.

Sec. 2. *And be it further enacted by the authority aforesaid*, That when sixty persons or more shall have subscribed six hundred or more

When a certain number of shares, or the

whole, are subscribed, commissioners to certify &c. to the Governor;

more shares of the said stock, the said co missioners respectively may, or when whole number of shares aforesaid shall be s scribed, they shall certify under their ha and seals the names of the subscribers, the number of shares subscribed by each

who shall thereupon incorporate them;

the Governor of this commonwealth, and th upon it shall and may be lawful for the Go nor by letters patent under his hand and seal of the state to create and erect the s scribers, and if the said subscriptions be full at the time, then also those who s afterwards subscribe to the number afore into one body politic and corporate, in and in law, by the name, style and title

style of the corporation;

"The president, managers and company "the Downingstown, Ephrata and Harrisb "turnpike road;" and by the said name said subscribers shall have perpetual suc sion, and all the privileges and franchis cident to a corporation, and shall be ca

its privileges and powers.

of taking and holding their said capital s and the increase and profits thereof, an enlarging the same from time to time by subscriptions, in such manner and form as shall think proper, if such enlargement sh found necessary to fulfil the intent of thi and of purchasing, taking and holding to and their successors and assigns, and of se trasferring and conveying in fee simple, o any lesser estate, all such lands, tenements, ditaments, and estate real and personal as be necessary to them in the prosecution of works, and of suing and of being sued, doing all and every other matter and thing a corporation or body politic may lawfully

Sec. 3. *And be it further enacted by th thority aforesaid*, That the commissioners

said as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give notice in two of the public papers in Philadelphia, and in one or more of the public papers printed at Lancaster, and in one or more of the public papers printed at Harrisburgh respectively, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organise the said corporation, and shall choose by a majority of votes of the said subscribers by ballot, to be delivered in person or by proxy duly authorised, one president, twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other such officers shall be chosen, and shall and may make such bye-laws, rules, orders and regulations not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well-ordering the affairs of the said company: *Provided always*, That no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number: *Provided nevertheless*, That all future annual elections of the said corporation shall be held with such notice and in manner and form aforesaid, alternately at Downingstown, Ephrata and Harrisburgh.

Commissioners to notify the subscribers to meet for the purpose of organizing the corporation;

officers to be chosen.

Number of votes limited.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said company shall meet on the first Monday of January in every

The times of annual and special meetings of the company;

ry year, at such place as shall be fixed by their bye-laws, for the purpose of choosing officers as aforesaid for the ensuing year in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their bye-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal by a majority of votes in manner aforesaid, all such bye-laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act.

and powers of the company at such meetings.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the president and managers first to be chosen as aforesaid, shall procure certificates to be written or printed for the shares of the stock of said company, and shall deliver one certificate signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for the shares by him subscribed and held, he paying to the treasurer in part of the sum due thereupon, the sum of ten dollars for each share, which certificate shall be transferrable at his pleasure in person or by attorney, in the presence of the president or treasurer, subject however to all payments due and to grow due thereon, and the assignee holding any certificate having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every share by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Certificates of shares to be issued on part payment;

certificates transferable &c.

Sec. 6.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business, at which meetings seven members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being met they shall have full power and authority to agree with and appoint all such surveyors, superintendants, artists and officers as they shall judge necessary to carry on the intended works, and to fix their salaries or wages, to ascertain the times, manner and proportions, when and in which the stockholders shall pay the money due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed, and for the labor done and materials provided in the prosecution of the work, which orders shall be entered or registered in their book of minutes, and shall be signed by the president or in his absence by a majority of a quorum, and countersigned by their secretary, and generally to do all such other acts, matters and things as by the bye-laws, rules, orders and regulations of the company shall be committed to them.

Meetings of the president and managers and proceedings at such meetings &c.

Sec. 7. *And be it further enacted by the authority aforesaid*, That if any stockholder whether original subscriber or assignee, after thirty days notice in two of the public papers printed in the city of Philadelphia, and in one or more of the public papers printed at Lancaster, and in one or more of the public papers printed in

Regulations in case of neglect to pay the subscription money.

in Harisburgh respectively, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, shall neglect to pay such proportion at the place appointed for the space of sixty days, after the time appointed for the payment thereof, every such stockholder shall in addition to the instalment so called for, pay at the rate of five per centum per month for every delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid, in part, and on account of such share, the same may be forfeited by and to the said company, and may be sold by them to any person or persons willing to purchase for such price as can be obtained therefor, or in default of payment by any stockholder of any such instalment as aforesaid, for the space of sixty days as aforesaid, the said president and managers may at their election cause suit to be brought in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *Provided always*, That the recovery in any such suit shall in no case exceed the amount of such instalment or instalments as may be due on such share, together with such accumulated penalty at the rate aforesaid, as shall equal the sums before paid on the same share: *And provided also*, That no stockholder whether original subscriber or assignee shall be entitled to vote at any election, or at any general or special meeting of the said company, unless the whole sum due and payable as aforesaid on the share or shares by him held at the time of such election, or general or special meeting of the said company shall have

No subscriber to be entitled to vote at any election until the whole of the subscription money is paid.

have been fully paid and discharged as aforesaid.

Sec. 8. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said president and managers, their superintendants, surveyors, engineers, artists and chain-bearers, to enter into and upon all and every the lands, tenements and inclosures in, through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground most proper for the purpose, and the quarries, beds of stone and gravel, and other materials in the vicinity, that will be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route or track for the same road, as in the best of their judgment and skill will combine shortness of distance, with the most practicable ground from the Philadelphia and Lancaster turnpike road, beginning at or within six miles of Downingstown, at such place as the president, managers and company may judge most adviseable; thence by Ephrata to Cornwall furnace, and from thence to the borough of Harrisburgh.

The president and managers &c. may enter lands &c. thro' which the road may pass, to examine the ground &c.

and survey &c. the route or tracks of said road &c.

Sec. 9. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said president and managers, by and with their superintendants, engineers, artists, workmen and laborers, with their tools and instruments, carts, waggons, wains and other carriages, and beasts of draught or burden, to enter upon the lands, in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage

The president and managers &c. may enter lands &c. to take materials;

modes of estimating the compensation to owners.

thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be done to any improvements thereon, upon a reasonable agreement if they can agree, or if they cannot agree, then upon an appraisement to be made upon oath or affirmation by three indifferent freeholders or any two of them, mutually to be chosen, or if the owners upon due notice shall neglect or refuse to join in the choise, then to be appointed by any justice of the peace of either of the counties of Chester, Lancaster or Dauphin not interested therein, and upon tender of the appraised value, to dig, take and carry away, any stone, gravel, sand, earth or other material there being most conveniently situated for making or repairing the said road.

The president, managers &c. empowered to erect bridges and shall lay out a road &c.

Sec. 10. *And be it further enacted by the authority aforesaid*, That the said president, managers and company shall have power to erect permanent bridges, over all the waters crossed by said route or track wherever the same shall be found necessary, and shall cause a road to be laid out not exceeding fifty feet in width, from the Philadelphia and Lancaster turnpike road as aforesaid, to the borough of Harrisburgh aforesaid, unless in such places where the nature of the ground may render a greater width expedient, and then only with the consent of the owners of the contiguous land, and shall cause twenty-one feet thereof in breadth at least to be made an artificial road, which shall be bedded with wood, stone, gravel or other proper and convenient materials well compacted together, a sufficient depth to secure a solid foundation for the same, and the said artificial road shall be faced with gravel or stone pounded,

pounded, or other small hard substance, in such manner as to secure a firm and as nearly as the nature of the country and the materials will admit an even surface, rising towards the middle by a gradual arch, and shall forever hereafter maintain and keep the same in perfect order and repair.

When turnpikes are to be erected and tolls to be allowed;

Sec. 11. *And be it further enacted by the authority aforesaid,* That so soon as the said president, managers and company shall have perfected the said road, from the Philadelphia and Lancaster turnpike road as aforesaid, to the borough of Harrisburgh, and so from time to time any distance not less than ten miles progressively, towards the borough of Harrisburgh aforesaid, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view and examine the same, and report to him whether the road is so far executed in a competent and workman-like manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall by licence under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said company, from all persons travelling in the same with horses and carriages: *Provided,* That persons going to or returning from public worship, on the Sabbath day, and persons attending funerals whether on horse-back or with carriages, shall pass and repass free from tolls.

proceedings previous thereto.

Sec. 12.

sure, or shall practise any other fraudulent means or device with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid shall for every such offence respectively, forfeit and pay to the president, managers and company any sum not exceeding fifteen dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered.

Proceedings in case the company neglect to keep the road in good order & repair.

Sec. 14. *And be it further enacted by the authority aforesaid*, That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of fifteen days, and information thereof shall be given to any justice of the peace of the proper county, such justice shall issue a precept to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place complained of in the said road, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time and place by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair according to the true intent and meaning of this act, he shall certify and send one copy of the said

ıches and shall not exceed seven inches, three
ents for each horse drawing the same; for
very cart or waggon, the breadth of whose
heels shall be more than seven inches and
ot more than ten inches, or being of the
readth of seven inches and shall roll more
ıan ten inches, two cents for each horse
rawing the same; for every cart or wag-
on, the breadth of whose wheels shall be
ıore than ten inches and not exceed twelve
ıches, or being ten inches shall roll more
ıan fifteen inches, one cent and a half for
ach horse drawing the same; and for any
ıch carriage the breadth of whose wheels
hall be more than twelve inches, one cent for
ach horse drawing the same; and when any
ıch carriage aforesaid shall be drawn by ox-
n or mules in the whole or in part, two ox-
n shall be estimated equal to one horse, and
very ass or mule as equal to one horse in charg-
ıg the aforesaid tolls.

Sec. 13. *And be it further enacted by the au-*
hority aforesaid, That if any person or per- Penalty for practising frauds with intent to evade the payment of the tolls.
ons owning, riding in or driving, any car-
iage of burden or pleasure as aforesaid, or
wning, riding, leading or driving any horse
r mule as aforesaid, shall with an intent to
efraud the said company, or to evade the pay-
ıent of any of the tolls or duties aforesaid,
ass therewith through any private gate or bar,
r along or over any private passage, way, or
ong or over any other ground or land near to
r adjoining any turnpike or gate which shall
e erected in pursuance of this act, or if any
erson or persons shall with the intent afore-
id, take off or cause to be taken off, any
orse or other beast, or cattle of draught or
ırden from any carriage of burden or plea-
sure,

ways of the place where the offence was committed, to be applied to repairing such highways as the township or county is bound to repair, at the public expence thereof.

The president and managers to keep the company accounts of subscriptions &c.

Sec. 15. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company, shall keep fair and just accounts of all monies which shall be received by them from the said commissioners, and from the subscribers for the stock of the said company on account of their several subscriptions, and of all penalties for the delay in the payment thereof, and of the amount of the profit on the shares which may be forfeited as aforesaid, and also all monies by them to be expended in the prosecution of their said work, and shall once at least in every year submit such accounts to a general meeting of the stockholders until the said road shall be completed, and until all the costs, charges and expences of effecting the same shall be fully paid and discharged, and the aggregate amount of such expences shall be liquidated and ascertained, and if upon such liquidation or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company at a stated or special meeting to be convened according to the provisions of this act, or their own bye-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such shares in like manner, and under the like penalties as are herein before provid-

and submit the same to a general meeting of the stockholders &c.

provided for by the original subscriptions, or as shall be provided by their bye-laws.

Sec. 16. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall also keep a just and true account of all the monies to be received by their several and respective collectors of tolls, at the several gates or turnpikes on the said road from the beginning to the end thereof, or such part thereof as shall from time to time be completed as aforesaid, and shall after the said road is completed, or so much thereof as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges, and a reasonable fund for repairs and for the progressive improvement and accomplishment of the said work, being first deducted and reserved, among all the subscribers to the stock of the said company, and shall on the first Monday in February and August in every year, publish the half-yearly dividend to be made of the clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

The president and managers to keep the account of tolls and declare dividends on the profits &c.

Sec. 17. *And be it further enacted by the authority aforesaid,* That the said president and managers shall at the end of every third year from the date of the incorporation, until two years next after the whole road shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, shewing the amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said toll for

The president and managers to lay an abstract of their accounts before the legislature &c. in order to ascertain the clear income;

ways of the place where the offence was committed, to be applied to repairing such highways as the township or county is bound to repair, at the public expence thereof.

The president and managers to keep the company accounts of subscriptions &c.

Sec. 15. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company, shall keep fair and just accounts of all monies which shall be received by them from the said commissioners, and from the subscribers for the stock of the said company on account of their several subscriptions, and of all penalties for the delay in the payment thereof, and of the amount of the profit on the shares which may be forfeited as aforesaid, and also all monies by them to be expended in the prosecution of their said work, and shall once at least in every year submit such accounts to a general meeting of the stockholders until the said road shall be completed, and until all the costs, charges and expences of effecting the same shall be fully paid and discharged, and the aggregate amount of such expences shall be liquidated and ascertained, and if upon such liquidation or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president managers and company at a stated or special meeting to be convened according to the provisions of this act, or their own bye-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such shares in like manner, and under the like penalties as are herein before provided

and submit the same to a general meeting of the stockholders &c.

provided for by the original subscriptions, or as shall be provided by their bye-laws.

Sec. 16. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall also keep a just and true account of all the monies to be received by their several and respective collectors of tolls, at the several gates or turnpikes on the said road from the beginning to the end thereof, or such part thereof as shall from time to time be completed as aforesaid, and shall after the said road is completed, or so much thereof as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges, and a reasonable fund for repairs and for the progressive improvement and accomplishment of the said work, being first deducted and reserved, among all the subscribers to the stock of the said company, and shall on the first Monday in February and August in every year, publish the half-yearly dividend to be made of the clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

The president and managers to keep the account of tolls and declare dividends on the profits &c.

Sec. 17. *And be it further enacted by the authority aforesaid,* That the said president and managers shall at the end of every third year from the date of the incorporation, until two years next after the whole road shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, shewing the amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said toll for

The president and managers to lay an abstract of their accounts before the legislature &c. in order to ascertain the clear income;

and during the said respective periods, together with an exact account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be known and ascertained, and if at the end of two years after the said road shall be completed from the beginning to the end thereof, it shall appear from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum, on the whole capital stock of the said company so expended, and on the interest accrued on such expenditure during the time wherein the work shall have been prosecuting before the receipt of toll, then it shall and may be lawful for the said president, managers and company to increase the tolls herein before allowed according to such rate upon the same as will raise the dividend up to six per centum per annum as aforesaid, and at the end of every ten years after the said road shall be fully completed as aforesaid, they shall render to the general assembly a like abstract of their accounts for the three preceeding years, and if at the end of any such decennial period it shall appear from such abstract, that the clear profits and income of the said company will bear a dividend of more than nine per centum per annum, the surplus above that amount when sufficient which shall arise, should be appropriated by the said president and managers to the purchase of such share or shares of the said stock, as the said overplus will from time to time be found adequate to purchase, until all the said shares shall be purchased, and the subscribers shall determine by lot from time to time, whose share or shares shall be

and if the profits do not amount to six per cent. the tolls may be increased &c.

be paid off by the money arising as aforesaid, for which shares the said company shall pay the sums which were originally paid for each respective share, and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free and no toll whatever exacted.

Posts of direction to be erected, mile-stones to be placed at the side of the road, & printed rates of tolls to be fixed at the turnpikes.

Sec. 13. *And be it further enacted by the authority aforesaid*, That the said company shall cause posts to be erected at the intersection of every public road falling into and leading out of the said turnpike road, with boards and an index-hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters the name of the town or place to which such road leads, and the distance thereof in computed miles, and shall also cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the junction of this road with that of the Philadelphia and Lancaster turnpike, and extending thence to the borough of Harrisburgh; whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the said turnpike and from the city of Philadelphia; and at every gate or turnpike by them to be erected on the said road, shall cause the distances from the turnpike road aforesaid, and the distances from the nearest gate or turnpike in each direction, to be marked in legible characters designating the number of miles and fractions of a mile, on the said gates or some other conspicuous place near thereto, and also shall cause to be affixed at such places a printed list of the rates or toll which from time to time may lawfully be demanded,

manded, for the information of travellers and others using the said road.

Penalty for wilfully breaking, defacing or destroying mile-stones, direction-posts or toll-rates.

Sec. 19. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stones, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, and if any person or persons shall wilfully break, pull down, deface, destroy or injure any direction-post which shall be erected in pursuance of this act at the intersection of any road as aforesaid, or the board or index-hand affixed thereto in conformity with the directions of this act, or if any person or persons shall obliterate the letters or figures inscribed or marked thereon, or if any person or persons shall destroy, deface or obliterate the letters, figures or other characters marked at any turnpike or gate, which shall be erected in pursuance of this act for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls, which shall be affixed in pursuance of the directions of this act at any such gate or turnpike, he or they so offending in the premises shall, and each of them shall for every such offence severally and respectively, forfeit and pay to the said president, managers and company any sum not exceeding twenty dollars, to be sued for and recovered with costs of suit before any justice of the peace in manner aforesaid.

Drivers to keep the right hand side in the passing direction.

Sec. 20. *And be it further enacted by the authority aforesaid*, That all waggoners, carters and drivers of carriages of all kinds whether of burden

burden or pleasure using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriage on the right-hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass, and if any waggoner, carter or driver shall offend against this provision he shall forfeit and pay any sum not exceeding ten dollars, to any person who shall by reason thereof be obstructed in his passage and will sue for the same before any justice of the peace, to be recovered with costs in like manner as aforesaid.

Forfeiture for receiving a higher rate of toll than is lawful.

Sec. 21. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive from any person or persons using the said road, any greater or higher rate of toll than by this act is authorised and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one-half to the use of the overseers or directors of the poor of the township or county, the other half to the use of the person or persons suing for the same, to be recovered before any justice of the peace of the county in which the forfeiture shall be incurred.

Retribution to defendant where plaintiff does not sustain his prosecution, for any penalty arising under this act.

Sec. 22. *And be it further enacted by the authority aforesaid,* That if in the case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred by the same, whether by or against the said company their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor,

tor, then and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall by such justice be deemed a reasonable retribution for the vexation of such suit or prosecution.

Suits for penalties to be brought within six months next after they were incurred.

Sec. 23. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons for any penalty incurred under this act unless such suit or action shall be commenced within six months next after the fact committed, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

In what cases the legislature may resume the rights and privileges granted by this act.

Sec. 24. *And be it further enacted by the authority aforesaid*, That if the said company shall not proceed to carry on the said work within three years after the passing of this act, or shall not within seven years thereafter complete the said road, according to the true intent and meaning of this act, then in either of those cases it shall and may be lawful for the legislature of the commonwealth, to resume all and singular, the rights, liberties, privileges and franchises by this act granted to the said company.

When and on what terms the road may

Sec. 25. *And be it further enacted by the authority aforesaid*, That if the legislature should at any time after the year one thousand eight hundred

hundred and twenty, think proper to take possession of the said road, three persons shall be chosen by the Governor of the commonwealth, and three by the president and managers of the said company, and three by the judges of the supreme court, who or any six or more of them shall proceed to examine and estimate the value of the property which the said company have therein, and certify the amount thereof to the Governor, who shall cause the same to be laid before the legislature at their next session, and whenever the amount so certified shall be paid, the right of the said company to take toll on the said road, together with all their right, title, claim and interest therein shall cease and determine. be taken into the public management.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXLVI.

An ACT *for the relief of Dickinson College.*

WHEREAS the building erected for the accommodation of the students at Dickinson college at Carlisle, in the county of Cumberland, has been lately destroyed by accidental fire, and the board of trustees thereof has

has prayed the aid of the legislature to enable them to rebuild the same, but at the same time that the legislature is desirous to promote the advancement of science and literature, the funds of the commonwealth will not at present justify an absolute grant of money, yet it is expedient to aid the said institution so far as may be consistent with the public interest: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That as soon as the corporation of the said college shall in due form of law, have mortgaged ten thousand acres of land heretofore granted by the commonwealth to the said college, to the Governor of the said commonwealth, for the securing the repayment of the monies hereby directed to be advanced, in seven years from and after the passing of this act, and upon the certificate of the Secretary of the commonwealth that such mortgage so duly executed and approved by the Governor, is deposited in his office, (which shall be valid and effectual in law, without further recording thereof) it shall and may be lawful for the treasurer of the county of Cumberland, to pay and advance to the president of the board of trustees, he giving his receipt for the same, the sum of six thousand dollars out of the arrears of state-taxes due from the county of Cumberland, which payment shall be allowed to the said treasurer on his producing the receipts for the same, in his settlement with the treasurer of the commonwealth: *Provided always,* That the said sum of money hereby loaned to the said institution, shall not bear interest

The treasurer of Cumberland county empowered on certain conditions to loan to the president of the board of trustees of Dickinson college $6000 out of the arrears of state taxes due from said county &c.

Said money not to bear interest for two years.

interest for two years from and after the passing of this act.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXLVII.

An ACT *to authorise the Commissioners of Montgomery county and their successors in office, to raise money by toll for paying a part of the expences of erecting a bridge over Manatawny creek, near Pottsgrove, on the road leading from Philadelphia to Reading.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the commissioners of the county of Montgomery for the time being, and their successors in office, to demand and receive from travellers and others, toll for passing through the gate hereinafter authorised to be erected across the said road, near the bridge over Manatawny creek in the said county of Montgomery, on the road leading from Philadelphia to the borough of Reading, and to stop any person or

Commissioners of Montgomery county authorised to exact toll for passing the bridge to be erected over Manatawny creek in said county;

persons from passing through the said gate, until they shall respectively have paid the same according to the following rates, viz. For every score of sheep, ten cents; for every score of hogs, ten cents; for every score of cattle, twenty cents; and so in proportion for any greater or less number; for every horse or mule, four cents; for every rider and the horse, six and one-fourth cents; for every sulkey, chair or chaise with one horse and two wheels, twelve and a half cents; for every chariot, coach, phæton or chaise with two horses and four wheels, twenty-five cents; for either of the last mentioned carriages with four horses, thirty-seven and a half cents; and for every other carriage of pleasure under whatever name, the like sum according to the number of wheels and of the horses drawing the same; for every stage-waggon with two horses, twenty cents; for every such waggon with four horses, thirty cents; for every sleigh, six and a quarter cents for every horse drawing the same; for every sled, five cents for every horse drawing the same; and for every waggon or cart, six and a quarter cents for every horse drawing the same; and in all cases two oxen shall be estimated equal to one horse: *Provided always nevertheless*, That any person or persons going to and returning from public worship on Sabbath days, and those who attend funerals, shall at all times be exempted from paying said toll: *And provided also*, That nothing in this act contained, shall be construed to prevent the said commissioners from contracting with any person or persons desirous of using the said bridge, for an annual sum in lieu of the toll herein before mentioned.

rates of toll.

What persons shall be exempted from the payment of toll.

The toll may be compounded for by the payment of an annual sum in lieu thereof.

Sec. 2.

Sec. 2. *And be it further enacted by the authority aforesaid*, That to facilitate the collection of the said tolls, it shall and may be lawful for the said commissioners to erect a gate near or contiguous to the said bridge, and to alter or remove the same as occasion may require, and also to appoint such and so many persons as they may think proper, to attend the said gate and receive toll from travellers and others according to the rates aforesaid.

Commissioners empowered to erect a gate and appoint toll-gatherers.

Sec. 3. *And be it further enacted by the authority aforesaid*, That if any toll-gatherer shall demand or receive any other or greater rates or prices, for passage over the said bridge than are herein before specified, the person so offending shall for every such offence forfeit and pay the sum of twenty dollars, one moiety to the commissioners aforesaid towards defraying the expence of the said bridge, and the other moiety to the party complaining or who may sue for the same, to be recovered before any justice of the peace of the said county, who is hereby empowered on information made to him on oath or affirmation of any such offence, to issue his summons or warrant to any constable of the county, commanding him to bring or cause every person against whom such information shall be made to come before him, and on due proof of such offence to convict such person thereof, and to issue his warrant to any such constable, to levy the said sum of money on the goods and chattels of the offender, by distress and sale thereof, and in case no goods or chattels of the offender can be found on which to make such distress, then to take his body and commit him to the jail of of the aforesaid county, until the said sum be paid: *Provided always*, That any person so convicted

Penalty on toll-gatherers taking greater rates of toll than those specified in section 1.

Persons aggrieved may

Appeal to the court of quarter session &c.

convicted who shall find himself aggrieved thereby, may within ten days after such conviction, appeal to the next court of quarter sessions of the county, which appeal, on giving security before the said justice by one or more sufficient sureties, in a penalty not less than double the sum sued for, to pay all costs, shall be allowed, and if the conviction so made by the said justice shall be confirmed, the said justice shall proceed to levy the said forfeiture in the manner herein before directed: *And provided also*, That no suit or action shall be brought after twenty days from the time when the offence was committed.

Limitation of time for bringing suits.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said commissioners shall have power to make such allowance to the persons employed in the collection of toll, or rendering other services in pursuance of this act, as they may deem reasonable.

Of the compensation to toll-gatherers.

Sec. 5. *And be it further enacted by the authority aforesaid*, That no such toll shall be demanded after the expiration of four years, from and after the fixing of said gates across the said road, and from and after the expiration of the said term, the passage over said bridge shall be free to all persons crossing the same, any thing herein before contained to the contrary notwithstanding: *Provided always*, That no gate shall be fixed prior to the ceasing of the toll on Perkiomen bridge.

The right to receive toll limited to four years.

Sec. 6. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners to keep a just and true account of their receipts and expenditures, of the money which shall come to their hands by

Commissioners to keep an account of their receipts and expenditures and ex-

by virtue of the provisions of this act, and they shall annually at the time appointed by law for the settlement of their accounts as county commissioners, furnish a statement of their said receipts and expenditures, accompanied by proper vouchers to the persons who shall be appointed to settle their said accounts as county commissioners, who shall in like manner examine, settle and adjust the same, and it shall be the duty of the persons so appointed to settle the said accounts, to lay a copy of the same annually before the court of quarter sessions of the peace of the county aforesaid, for their confirmation.

hibit a statement of the same annually &c.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-fifth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXLVIII.

An ACT *for the relief of Doctor Robert Johnson.*

WHEREAS by the act passed twenty-fourth March, one thousand seven hundred and eighty-five, section fourth, all officers or soldiers of the Pennsylvania regiments or of independent corps, acknowledged by this state as the quota of Pennsylvania in the federal army, and officers being citizens of this state at the time of their entering into the service, not attached to the line of any state who served

ed therein until the end of the late war with Great-Britain, and all officers as aforesaid who have been deranged by the regulations and arrangements of the army, &c. shall be entitled to land according to the pay and rank they last held, before they left the said service in the proportions laid down in the resolution appropriating donation lands: And whereas Robert Johnson alledges that he was regimental surgeon to the sixth regiment of the Pennsylvania line, from the commencement of the war and continued in that service and as physician until the year one thousand seven hundred and eighty-one, when in obedience to the orders of General Greene, the commander in chief, he was obliged to leave the regimental service in order to assist the wounded officers and soldiers of the American army, then prisoners in the British hospital in Charleston: And whereas it appears that Robert Johnson did not, nor could not forfeit any right or emolument to which he was otherwise entitled, by yielding obedience to the commander in chief in such an emergency, and that he continued in actual service till the end of the war with Great-Britain: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of property be, and they hereby are authorised and required to examine the claims of Robert Johnson, formerly surgeon in the Pennsylvania line, and if the facts set forth in his petition appear to be well founded to the satisfaction of the board, they are hereby authorised to grant him a patent for land as a surgeon in the Pennsylvania line, any thing in

The board of property authorised to examine the claims of doctor R. Johnson, &c. and to grant him a patent for land &c.

in the act for the distribution of the donation land passed twenty-fourth March, one thousand seven hundred and eighty-five, to the contrary notwithstanding.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-fifth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CXLIX.

A SUPPLEMENT *to the act, entitled "An act to empower and direct Ann M'Farren, John Agnew and William M'Clean, administrators of all and singular the goods and chattels, rights and credits, which were of the estate of Amos M'Ginley deceased, to convey certain lands in Hamilton's bann and Cumberland townships, in York county, to sundry persons (to*) whom the said Amos M'Ginley was a trustee, and to vest the same in the grantees."*

WHEREAS by an act passed the twenty-first day of September one thousand seven hundred and eighty-six, Ann M'Farren, John Agnew and William M'Clean were authorised and empowered, (on certain conditions) to convey by deeds, in fee to David Blyth, Moses M'Clean, William Waugh, James Brice, John M'Ginley and James Stephenson respectively, certain lots of ground therein described, but by

* *(to)* omitted in the original.

by reason of the death of some of the grantees before the deeds were executed, and there being no provision in the said act authorising the administrators aforesaid, to convey to the heirs or assigns of the grantees, they have prayed the legislature to grant relief by extending the powers of the said administrators so as they may be enabled to make and execute deeds to the heirs and assigns of the aforesaid grantees: Therefore,

Ann M'Farren and others empowered to to convey certain lands in York county, to the heirs of David Blyth and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the powers and authorities vested in Ann M'Farren, John Agnew and William M'Clean, to convey to David Blyth, Moses M'Clean, William Waugh, James Brice, John M'Ginley and James Stephenson, be, and they are hereby extended so as to enable Ann M'Farren, John Agnew and William M'Clean, or the survivor of them, to convey to the heirs or assigns respectively of the said David Blyth, Moses M'Clean, William Waugh, James Brice, John M'Ginley and James Stephenson, (in all cases wherein conveyances have not already been made) which shall be as available in law as if the said heirs and assigns had been expressed in the act to which this is a supplement.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-fifth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CL.

An ACT *for raising by way of lottery, a sum not exceeding ten thousand dollars, for the purpose of discharging the debts owing by the Trustees of the German religious society of Roman Catholics, of the Holy Trinity church, in the city of Philadelphia, and for providing means to support a school under their patronage.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be lawful for the trustees of the German religious society of Roman catholics, of the Holy Trinity church in the city of Philadelphia, and their successors, at any meeting of the said board of trustees after the passing of this act, and by a majority of the votes of the said trustees who shall be then assembled, to elect and appoint three persons dwelling in the city of Philadelphia as commissioners, and the said three persons so to be elected and appointed, shall be commissioners, to raise by way of lottery, a sum not exceeding ten thousand dollars, which said sum of ten thousand dollars after all expences, costs and charges necessarily attending the carrying of this act into effect, are first deducted and paid thereout, by the said commissioners, shall be applied by and under the direction of the trustees of the German religious society of Roman catholics, of the Holy Trinity church in the city of Philadelphia, and their successors, to the discharging of the debts due from the said trustees

Commissioners of a lottery how to be appointed &c.

sum to be raised;

appropriaton of the money.

tees and religious society or congregation, which they have incurred in the building of the Holy Trinity church, of a house for the residence of the pastor of the said congregation, and of a school-house for the education of youth, and from other pious and charitable causes, and if after those debts are discharged, any balance of the said monies so to be raised as aforesaid should remain, such balance shall be employed and appropriated by and under the direction of the trustees of the German religious society of Roman catholics, of the Holy Trinity church in the city of Philadelphia, and their successors, in such way and manner as they shall think best to the support of the school now under their patronage.

The Governor to be informed of the names of the commissioners.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said trustees shall notify to the Governor of this commonwealth, the names of the persons who shall be elected and appointed commissioners in pursuance of this act.

Commissioners to be qualified;

attend the drawing of lottery, and publish the same.

Sec. 3. *And be it further enacted by the authority aforesaid*, That each of the said commissioners shall previously to entering upon the duties of his office, take and subscribe an oath or affirmation, diligently and faithfully to perform the duties entrusted to him; and at least two of them shall attend at the drawings of each day, and when the whole is completed shall cause an accurate list of the fortunate numbers in the said lottery to be published, in at least two newspapers printed in the city of Philadelphia.

The scheme to laid before

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said commissioners previously

previously to selling any tickets in the said lottery, shall lay the scheme thereof before the Governor of this commonwealth for his approbation, and shall moreover enter into bonds with sufficient security to the Governor, for the due and faithful performance of their duty, in the sales of the tickets, drawing the lottery, and managing all the business of the said lottery. the Governor for his approbation.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the said commissioners be, and they are hereby authorised, to settle and adjust all accounts which may be exhibited by any person or persons legally employed in carrying this act into effect, and that all expences necessarily attending the carrying of this act into effect shall be paid by the said commissioners, out of the nett proceeds of the said lottery as aforesaid. Further duties of the commissioners.

Sec. 6. *And be it further enacted by the authority aforesaid,* That all prizes not demanded within twelve months next after publication as aforesaid, shall be deemed and adjudged as relinquished for the benefit of the trustees of the German religious society of Roman catholics, of the Holy Trinity church in the city of Philadelphia, and their successors for ever. Limitation for demanding prizes.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-fifth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER CLI.

An ACT *relating to County Treasurers.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no county treasurer shall serve in said office longer than three years, in any term of six years.

County treasurers not to serve longer than 3 years in any term of six years.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-eighth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLII.

An ACT *to incorporate that part of the township of the Northern Liberties, lying between the west side of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek.*

WHEREAS the inhabitants of that part of the township of the Northern Liberties lying between the west side of Sixth-street and the river Delaware, and between Vine-street and

the Cohocksink creek have petitioned the legislature to be incorporated: And whereas it appears to the legislature that many useful regulations and improvements, would be made within the said described parts of the said township, if the same were incorporated: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the inhabitants of that part of the township of the Northern Liberties, lying between the west side of Sixth-street and the river Delaware, and between Vine-street and the Cohocksink creek, be, and they and their sucsessors forever are hereby constituted a corporation and body politic, in fact and in law, by the name and style of "The commissioners and inhabitants of "that part of the township of the Northern Li- "berties lying between the west side of Sixth- "street and the river Delaware, and between "Vine-street and Cohocksink creek;" and by the same name shall have perpetual succession, and they and their successors shall at all times forever be able and capable in law, to have, purchase, take, receive, possess and enjoy, lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects to them and their successors forever, or any other or less estate, and the same lands, tenements and hereditaments, goods, chattels and effects; to grant, bargain, sell, alien and convey, mortgage, pledge, charge and incumber, or demise and dispose of at their will and pleasure; *Provided always,* That no sale be made of any of the lands, tenements or hereditaments, except such as hereafter may be acquired, and that no part of the estate be mortgaged

The inhabitants of a part of the Northern Liberties incorporated;

style of the corporation;

to have perpetual succession and empowered to acquire and hold real and personal estate &c.

gaged or incumbered, for any sum exceeding the amount of three years taxes within the said incorporated district, nor for a longer term than three years.

Invested with certain powers incident to a corporation.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said corporation by the name and style aforesaid, are and forever shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record and elsewhere, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever, and to do and execute all and singular, other matters and things that to them as a body politic and corporate in law and in fact shall and may appertain, and for that purpose shall have and use one common seal, and the same from time to time shall and may at their will and pleasure change and alter, deface and make anew.

Fifteen commissioners to be chosen and time and place of choosing them;

Sec. 3. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the inhabitants living within the said described parts of the township of the Northern Liberties, who are or shall be qualified agreeably to the constitution and laws of this state, to vote for members to serve in the general assembly, to meet together at the town-house, situate within the limits of the said corporation, between the hours of ten in the morning and eight in the evening, on the first Saturday of May next, and then and there to choose by ballot, out of such of the inhabitants residing within the limits of the said corporation, who according to the constitution and laws of this state may be members of the house of representatives thereof, in the manner prescribed for choosing members in the said house of representatives,

sentatives, fifteen suitable persons in the district aforesaid, to serve as commissioners in and for the said incorporated district; and the five persons who shall have the greatest number of votes, shall be commissioners for three years next following, and the five persons who shall have the next greatest number of votes, shall be commissioners for two years next following, and the five persons who shall have the next or third greatest number of votes, shall be commissioners for one year thence next following; and that on the first Saturday in May, which will be in the year one thousand eight hundred and four, and so on the first Saturday in May annually forever, five persons shall be chosen as aforesaid, to serve as commissioners in the said district for the term of three years: *Provided always*, That no person shall be excluded from being elected on account of his having before filled the office of commissioner: *And provided also*, That in all cases wherein the number of votes shall be equal for two or more candidates, the preference shall be decided by lot, to be drawn by the inspectors of the election.

to be divided into 3 classes and how long each class shall serve &c.

Where two or more are equal in vote, how the preference is to be decided.

Sec. 4. *And be it further enacted by the authority aforesaid*, That all elections to be held in pursuance of this act, shall be conducted by three inspectors, who shall be appointed at the same place where the commissioners are to be elected as aforesaid, by the electors then assembled, within one hour preceding the election of the said commissioners, and each of the inspectors so appointed shall take an oath or affirmation before some justice of the peace of the county, before entering on the duties in and by this act enjoined, well and faithfully to discharge the same according to the best of his skill and abilities.

By whom elections are to be superintended.

Sec. 5.

And in what manner conducted.

Sec. 5. *And be it further enacted by the authority aforesaid*, That all elections to be held in purusance of this act, shall be held and conducted, except as in and by this act is otherwise directed, in the same and like manner as in and by the laws of this commonwealth, is or shall be directed for holding the general elections for persons to serve in the house of representatives, under and subject to the same rules and penalties.

Of making returns of elections;

Sec. 6. *And be it further enacted by the authority aforesaid*, That when each election so had and held in pursuance of this act shall be closed, and the number of votes for each person shall be ascertained, the judges of the election as aforesaid, or a majority of them, shall prepare and make under their respective hands and seals a return thereof, containing the names of the commissioners elect, with the number of votes in favor of each, and shall within two days after the closing of each election, give notice in writing to each of the commissioners elect of their respective elections, and shall also deliver or cause to be delivered the said return, together with the tickets, lists of names, tally-papers and other documents, sealed up to the said commissioners elect, at the times and places in and by this act appointed, for them to meet and receive the same.

and giving notice to the commissioners elect.

Commissioners to meet together to receive the returns of their election &c.

time and place of meeting &c.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the fifteen persons who shall at the next election to be held in pursuance of this act, have the highest number of votes for the office of commissioners (or on an equality of votes by lot) shall meet together at the said town-house between the hours of nine and eleven o'clock in the forenoon, of the fourth day next following the said election, that the five

five persons who shall at every subsequent election have the highest number of votes for the said office of commissioner, together with the ten commissioners whose time shall not have expired, shall meet together at the place aforesaid between the hours of nine and eleven in the forenoon, on the fourth day next following each and every election to be held in pursuance of this act, and then and there shall receive the said returns of commissioners elect, and shall forthwith proceed to examine the same and to judge and determine thereon, and for that purpose the said commissioners so met or a majority of them, shall be judges of the said elections, and shall have full power and authority to approve thereof or to set aside the same, and to order new elections as the law may require, to be held in the manner herein before directed, and at such times as shall be by them appointed, of which they shall give at least six days notice, by handbills posted up in at least ten of the most public places within the said incorporated district.

Commissioners to take an oath of office &c.

Sec. 8. *And be it further enacted by the authority aforesaid*, That each and every commissioner who shall be elected and returned, and whose election shall be approved in manner aforesaid, shall, before he enters on the duties of his said office, take a solemn oath or affirmation before some justice of the peace of the county, well and faithfully to execute the office of a commissioner of said district, and shall thereupon without any further or other commission enter upon the duties thereof, and shall hold and exercise the same for the term for which he shall have been elected as aforesaid.

Commissioners misbehav-

Sec. 9. *And be it further enacted by the authority aforesaid*, That if any commissioner of the

ing, how to be proceeded against.

the said district shall misbehave in his said office, or shall fail or neglect well and faithfully to discharge the duties thereof, it shall and may be lawful for any number, not less than ten of the said commissioners, on the petition and complaint in writing of thirty electors of the said district, fifteen of whom shall be freeholders, to remove in a summary way any such commissioner from his said office: *Provided nevertheless*, That the said petition and complaint in writing shall fully and minutely state, all the causes assigned for such removal, and no other cause whatever shall be assigned, heard or enquired into: *And provided also*, That a copy of the said petition and complaint, with a notice of the time and place appointed for hearing and enquiring into the same, shall be served on such commissioner, at least ten days before any such hearing or enquiry shall be made.

To have notice of the charges alleged against them and time and place of hearing.

Sec. 10. *And be it further enacted by the authority aforsaid*, That in case two or more vacancies shall happen by death, resignation, removal or otherwise, a majority of the borad of commissioners may appoint special elections for supplying such vacancies, and for that purpose a writ from under the hand of their president, and seal of the corporation shall issue, directed to the proper officers, and every special election, shall be held and conducted, and the proper return thereof made in manner and form as is herein before directed for the general election, and the persons so legally chosen shall be commissioners for the remainder of the time, that the commissioners in whose places they were elected had been elected for.

Of elections to supply vacancies.

Sec. 11. *And be it further enacted by the authority aforesaid*, That a majority of the whole

What shall be a quorum to do business;

of

of the said commissioners shall be a quorum for transacting all business, except for the purchase and sale of real estate, for the mortgaging or incumbering of the same, or for borrowing any money as aforesaid, for which purposes the concurrence of ten members shall be essential, and the said commissioners shall receive no compensation for their services.

commissioners to receive no compensation for their services.

Sec. 12. *And be it further enacted by the authority aforesaid,* That the said commissioners when assembled together for that purpose, shall have full power and authority to appoint a suitable person or persons, under such security and penalties as to them may appear necessary, for the inspection and measurement of all cord-wood that may be landed, or offered for sale within any part of the said district, and to make, ordain and establish such and so many laws, ordinances and regulations not inconsistent with the constitution and laws of this commonwealth, as shall be necessary and convenient for the purposes of ascertaining the tolls and rates of wharfage, for all articles brought to public landings belonging to the said incorporated district, for directing the conduct of all persons concerned in buying, selling or acting on any part of the estate belonging to the said corporation, for fixing the compensations of the officers appointed by the said commissioners for their respective services, for lighting, watching, watering, pitching, paving, repairing and cleansing the streets, lanes and alleys, and the same to enforce, put in use and execution by the proper officers under such penalties as they may prescribe, and at their pleasure to annul, alter and make anew: *Provided always,* That nothing herein contained shall vest in the said commissioners an authority to regulate the prices of property or labor.

Empowered to appoint inspectors and measurers of cord-wood;

and to make the necessary ordinances, regulations &c.

Sec. 13.

How offences committed within the incorporated district are to be tried and punished.

Sec. 13. *And be it further enacted by the authority aforesaid*, That the court of quarter sessions of the peace for the county of Philadelphia, shall have and they are hereby vested with full power and authority, to enquire of, hear, try and determine, all offences which shall be committed within the said incorporated district, contrary to this act, or against any of the laws, ordinances or regulations that shall be made, ordained or established in pursuance of this act, and to punish the offender or offenders as by the said laws, ordinances or regulations shall be prescribed or directed, except where the fines, penalties or forfeitures shall not exceed the sum of twenty dollars, which shall be recoverable before any justice of the peace of the county, residing within the said incorporated district: *Provided always*, That if any person or persons shall think him, her or themselves aggrieved by any judgment to be given as aforesaid, it shall and may be lawful for such person or persons, at any time within the space of six days next following the date of such judgment, to appeal therefrom to the next court of common pleas or quarter sessions of the county of Philadelphia, he, she or they first entering into recognizance, with at least one sufficient security in the sum of forty dollars to prosecute the said appeal with effect, and to abide the order of the court, or in default thereof to be sent by mittimus to the sheriff of the county, by him to be kept until he, she or they perform the judgment of the court, or be otherwise legally discharged.

Manner of publishing the laws and ordinances of the corporation;

Sec. 14. *And be it further enacted by the authority aforesaid*, That such and so many of the said laws, ordinances and regulations as shall not be published in one or more of the public newspapers, published in the said district or in the

he city of Philadelphia, and in hand-bills printed in German and English, and posted up in not ess than ten of the most public places in the istrict aforesaid, within ten days from and after heir being severally passed, ordained and estalished, and also recorded in the office of the ecorder of deeds for the county of Philadelphia, vho shall be allowed and paid for recording hereof, at the same rate as is allowed the master of rolls for recording the laws of this commonwealth, within thirty days from and after heir being so as aforesaid passed, ordained and stablished, shall be null and void.

and without such publication they are to be null and void.

Sec. 15. *And be it further enacted by the authority aforesaid,* That before any of the said laws, ordinances, regulations and constitutions shall be so as aforesaid recorded, the publications thereof respectively shall be proved by he oath or solemn affirmation of some credible person, which oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publications.

The publication to be proved, before they are recorded.

Sec. 16. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to limit, direct and appoint the depth of all vaults, wells and sinks hereafter to be dug within the said district, for privies or necessaries, which regulations being so made as aforesaid, shall be published and recorded, and the publication proved in the same manner, and within the same period as is herein before directed; and if any person or persons shall dig or cause to be dug, any such vault, well or sink for privies or necessary houses, of any greater depth than shall be limited or appointed as aforesaid,

Commissioners to limit & direct the depth of vaults wells &c.

penalty on digging them of greater than the limited depth.

said, every such person or persons so offending and being thereof legally convicted, in the court of quarter sessions of the peace for the county of Philadelphia, shall forfeit and pay the sum of one hundred dollars, to be appropriated towards defraying the contingent expences of the said corporation, and the said vaults, wells and sinks shall be filled up, at the expence of the owners.

Commissioners to appoint regulators.

Sec. 17. *And be it further enacted by the authority aforesaid,* That no person or persons shall lay any foundation or party wall within the said district, before they shall have applied to two or more of the regulators appointed by the said commissioners, who are hereby required and empowered to appoint three or more discreet and skilful persons for that purpose.

Who are to set out the foundations & regulate party walls &c.

Sec. 18. *And be it further enacted by the authority aforesaid,* That the said regulators upon application to them made, shall have full power and authority to enter upon the land of any person or persons, in order to set out the foundations and regulate the walls to be built between party and party, as to the breadth & thickness thereof, which foundation shall be laid equally upon the lands of the persons, between whom such party walls are to be made.

the first builder of a party wall to be reimbursed &c.

and the first builder shall be reimbursed one moiety of the charge of such party wall, or so much thereof as the next builder shall have occasion to make use of, before the next builder shall use or break into the said wall, the charge or value whereof to be fixed by the said regulators, or by arbitrators mutually chosen.

Sec. 19.

Sec. 19. *And be it further enacted by the authority aforesaid,* That all appeals hereafter made from the order, direction and award of the said regulators, shall be taken and made, and shall lie to the next court of common pleas, to be holden for the county of Philadelphia, within one calendar month from the time of making the order, direction or award appealed from, but not afterwards nor otherwise, whereupon the said court upon security being entered by the party appealing, for the payment of all costs in case he or she should not prevail in his or her appeal, shall direct a venire to the sheriff of the county, commanding him to summon a jury to try the matter in dispute, and shall proceed thereon according to law.

Appeals, where and within what time to be made.

Sec. 20. *And be it further enacted by the authority aforesaid,* That if any person or persons shall lay, or begin to lay the foundation of any party wall, or wall adjoining to or upon the line of any public street, lane or alley, or shall erect any frame building within the said incorporated district, without first applying to the said regulators, and having the lines and boundaries of the said lot or piece of ground whereon the said foundation is or ought to be laid, or frame building erected, surveyed and marked out, or if after having the lines and boundaries surveyed and marked out as aforesaid, shall neglect or refuse to build agreeably thereto, and shall extend such foundation or building a greater distance beyond the same than is allowed by law, without an appeal therefrom, unless determined otherwise on an appeal, in either case every such person employed, as well as master-builder, shall forfeit and pay the sum of forty dollars, to be recovered as debts under twenty

Penalty on laying the foundation of party walls on the line of any public street &c. without first applying to the regulators &c.

mode of recovery and application of the penalty.

twenty pounds are by law recoverable, on thereof to be appropriated to the use of the missioners aforesaid, for the purpose of d ing the contingent expences of the co tion, and the other half to the informer, costs, provided the prosecution be comm within one year from the time the offence be committed.

Regulators to keep a minute of their orders &c. which shall be conclusive after reasonable notice, unless appealed from.

Sec. 21. *And be it further enacted by th thority aforesaid,* That the regulators app ed as aforesaid, shall enter in a book all d tions, orders and awards by them made in suance of this act, and every such order award if made with reasonable notice to parties interested shall be conclusive, u the same be set aside upon appeal as a said, which book shall be provided and by the said commissioners, and shall be

Proviso in favor of persons *non compos mentis* &c.

der their direction: *Provided always,* no person under age, non compos me feme covert, imprisoned or beyond sea who shall not have notice as aforesaid, shal injured or affected by any proceeding, or direction or award, until the expiration of t years after their coming to full age, retu from beyond sea, discoverture, being at lar sound memory, or if within the United St until the expiration of one year after notic writing, within which period his, her or t appeal may be entered and prosecuted as af said.

Property vested in the corporation;

Sec. 22. *And be it further enacted by the thority aforesaid,* That all lands and landing ces, tenements, hereditaments, ferries, whar market-stalls, rights, franchises, liberties, p vileges, goods, chattels and effects whatsoev whereof any person or persons or bodies

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itic or corporate are seized or possessed, or which they or any of them hold and enjoy, in trust for or to and for the use of the inhabitants of the said district, to which the said inhabitants are entitled, be, and they are hereby severally and respectively vested in the said corporation or body politic, and their successors in and by this act established, by the name, style and title aforesaid, to and for the use and benefit of the said inhabitants and their successors forever, saving nevertheless to all and every person and persons, and bodies politic and corporate, his, her and their rights herein. for whose use.

Sec. 23. *And be it further enacted by the authority aforesaid*, That the treasurer of the said commissioners before he undertakes his office, shall give bond with two sufficient sureties to the commissioners, in such penalty as they from time to time may judge proper, conditioned that he will well and faithfully execute his office, keep regular accounts of his receipts and disbursments, pay all the orders drawn on him by the said commissioners, or majority of their board, as soon as sufficient monies shall come to his hands, from any of the funds under the direction of the commissioners, and that he will once in every year, or oftener if thereunto required, settle and adjust with the said commissioners a full and just account, supported with proper vouchers of all his receipts and payments during the preceding time, and that upon his death or the appointment of another treasurer in his room, which the said commissioners or a majority of their board are hereby authorised to do, whenever they see cause, he, his executors or administrators, shall settle and adjust all his Treasurer to give bond &c. condition thereof.

his accounts with the said commissioners, and pay the remaining balance in his hands to his successor in office, charging for his trouble no more than shall be allowed him by the said commissioners.

Repeal of parts of certain laws &c.

Sec. 24. *And be it further enacted by the authority aforesaid*, That so much of all and every act or acts as directs, authorises or requires any matters or things to be done and performed, by commissioners, regulators or surveyors within the said incorporated district, or by any other person or bodies politic or corporate to manage its concerns, shall from the fourth day after the election of the commissioners, by this act constituted a body politic and corporate, be null and void, excepting the three first sections of the act, entitled "An act to authorise the inhabitants of "the Northern Liberties within a certain described part thereof, to regulate the streets, "lanes and alleys within the same, and for "other purposes therein mentioned," passed April the seventeenth, one thousand seven hundred and ninety-five, which said three first sections shall remain in as full force as if this act had not been passed, and the surveyors and other officers or persons acting in pursuance thereof, shall proceed to the final completion of the survey, and general regulation therein contemplated and directed, which said survey and general regulation when confirmed, according to the form and manner expressed in the said three first sections, shall remain obligatory upon and unalterable by the said corporation and board of commissioners constituted by this act: *Provided nevertheless*, That nothing herein contained shall bar, prevent or in any manner impede the recovery of any sum or sums of

Proviso as to sums brought &c.

of money, or of any other matter or thing for the recovery whereof suits have been or may be instituted, but the same may be carried on by the said commissioners hereby incorporated, to final judgment, execution and recovery: *And provided further*, That all and every matter and thing that has been commenced, begun or entered upon by the said commissioners or regulators, or either of them, in pursuance of the powers and authorities in them vested, shall be of the same force and effect as if this act had not been passed, and may from and after the time last mentioned, be proceeded in and carried into effect, as fully as the same might or could have been done by the said commissioners, or regulators, or either of them, had this act not been passed, and for this purpose all contracts and agreements made or entered into by the said commissioners or regulators, or either of them, in pursuance of the powers in them legally vested, previously to the time last aforesaid, shall be equally binding upon the commissioners, and upon the person or persons with whom the same have been or shall be made, as if the same had been originally made and entered into by and between them: *Provided also*, That nothing contained in this act, shall in any wise prevent the surpervisors of the township, from assessing and collecting such taxes otherwise by law directed, as may be necessary for the repairing and improving the highways in the said township.

Nothing in this act to affect the collection of certain taxes.

Sec. 25. *And be it further enacted by the authority aforesaid*, That the said commissioners shall have full power and authority, to pave or cause to be paved, the footways and gutters within the said incorporated district, or so much

Further powers of the commissioners.

much thereof as they shall deem necessary, with brick or flat stones as the case may require, and shall plant or cause to be planted curb-stones or posts, as to them may appear proper, to prevent the said pavements or gutters from being injured by carriages, agreeably to the regulations made and established, or to be made and established by the surveyors in pursuance of an act, entitled "An act to authorise the inhabitants of the Northern Liberties within a certain described part thereof, to regulate the streets, lanes and alleys within the same, and for other purposes therein mentioned," passed April the seventeenth, one thousand seven hundred and ninety-five; and shall assess the freeholders in front of whose ground such footways shall be paved, in order to defray the expence of paving and keeping the same in repair, in proportion to their respective extents of front; and the said commissioners shall have full power and authority, upon the application of two-thirds of the freeholders, on any street, lane or alley to establish lamps and a nightly watch, in such street, lane or alley, the expence to be defrayed by an assessment agreeably to the county rates and levies, within the district so lighted and watched, and upon like application shall have full power and authority, to pitch and pave any street, lane or alley within the said district, provided the said street, lane or alley so required to be paved, be not less in length than one, nor exceeding two squares at any one time, and the owners of land in front of which such street is pitched and paved, shall be taxed in proportion to the extent of the respective fronts of their property, within the street so pitched and paved: *Provided always*, That all and every owner or owners of ground, shall have the privilege

vilege of paving the footway on their own fronts as aforesaid, so that they have it completed within one month, after due notice in writing being given for that purpose by the said commissioners, or by any person by them appointed: *And provided further,* That no person shall be obliged to pave any footway, to a greater breadth than four feet in front, of any lot whereon a dwelling-house shall not be erected.

Commissioners to determine on the necessary officers, fix their compensation &c.

Sec. 26. *And be it further enacted by the authority aforesaid,* That for the well-governing of the said district, and the ordering the affairs thereof, there shall be such officers therein, and at such salaries or compensation as the commissioners shall direct, each and every of such officer shall nevertheless before entering on the duties of his said office, take a solemn oath or affirmation, well and faithfully to perform and execute the same.

Fund for repairing and cleansing the streets within the limits of the corporation &c.

Sec. 27. *And be it further enacted by the authority aforesaid,* That the supervisors of the highways of the aforesaid township, shall pay annually into the hands of the treasurer of the said corporation, one-third part of the monies by them collected for the repairs of the public highways, which sum shall be appropriated by the before mentioned commissioners, for the purpose of repairing and cleansing the streets within the district aforesaid, and for paving the intersections thereof.

Commissioners empowered to lay an assessment &c.

Sec. 28. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority, to lay yearly and every year, any rate or assessment not exceeding twenty-five cents in every hundred dollars,

to what purpose to be applied.

dollars, of the clear value of all the real and personal estate within the said district, to be applied to the purpose of carrying this act into execution, and for defraying the expence of repairing the pumps already erected, and which may hereafter be erected by the inhabitants,

they shall appoint collectors of taxes &c.

and to appoint collectors of all taxes by this act made payable, from whom adequate security shall be taken, and all rates and assessments being fairly made,

keep an account of all assessments &c.

shall be transcribed in a book to be kept by the said commissioners, and a duplicate thereof shall be delivered to the

how they are to be collected;

said collectors, by them to be appointed from among the inhabitants of the said district, who are hereby authorised, enjoined and required, to receive, collect and recover, the rates and assessments in the same manner and form, and by the same legal remedies which are by law appointed, for recovering and collecting the

when and to whom paid;

county taxes in the said township, and having received or collected the same or any part thereof, shall at the end of every month from the time of his appointment, or when thereunto required, account with and pay to the person whom the said commissioners shall appoint their treasurer, all such sums of money which they shall have so collected during the preceeding months, deducting therefrom such

commissions to collectors.

commissions as shall have been agreed upon, at the time of entering security: *Provided*,

Not to exceed five per cent.

Such commissions do not exceed five per centum, on all monies so received or collected.

Accounts of receipts and expenditures to be published annually by the commissioners &c.

Sec. 29. *And be it further enacted by the authority aforesaid*, That the said commissioners shall cause all accounts of receipts and expenditures of money, to be published up to the thirty-first day of December, inclusive, in each

each and every year, within three months thereafter, and the vouchers in support of all charges may be viewed at any reasonable hour, by any taxable inhabitant residing within the bounds of the corporation who may demand the inspection thereof, and the said commissioners shall also keep regular minutes of their proceedings, which may be examined by like persons, and at like times as the accounts aforesaid: *Provided*, That no inspection thereof shall be permitted, until three months after making such minutes respectively, unless ten commissioners, the names of whom shall be entered on the minutes, consent thereto.

Sec. 30. *And be it further enacted by the authority aforesaid*, That all and every person or persons, bodies politic or corporate, who are or shall be seized or possessed of any lands, tenements and hereditaments, goods, chattels, monies and effects whatsoever, which they or any of them hold or enjoy, in trust for or to and for the use of the inhabitants of the said incorporated district, to which the said inhabitants are entitled, shall on reasonable request deliver the same to the said commissioners, together with all deeds, writings, evidences, books and papers, touching and concerning the same, with proper assignments where the same shall be neccessary, and just, true and fair accounts thereof; and whosoever shall fail therein, shall be liable to be sued for the same, and shall moreover forfeit and pay to the said commissioners, any sum of money not exceeding twelve hundred dollars, to be sued for and recovered in any court of record, and to be applied to the use of the inhabitants of the said district, and upon trial any inhabitant of the said district, shall be a competent witness

All property real or personal of the corporation to be delivered to the commissioners, on request made;

penalty on persons failing to make such delivery &c.

witness on behalf of the said commissioners.

Misnomer of the corporation not to defeat any gift &c. to or from the same, where the intent is apparent;

Sec. 31. *And be it further enacted by the authority aforesaid*, That no misnomer of the said corporation, shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation: *Provided*, The intent of the parties shall sufficiently appear on the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from the said corporation, nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdictions and authorities hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof.

and disuser or nonuser of their privileges &c. not to cause a forfeiture thereof.

This act to be construed favorably for the corporation.

Sec. 32. *And be it further enacted by the authority aforesaid*, That as often as any doubts shall arise touching this act, the same shall in all courts of law and equity and elsewhere, be construed and taken most favorably for the said corporation.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-eighth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CLIII.

An ACT *directing Sheriffs and Coroners to give sufficient sureties for the faithful execution of their official duties, and for other purposes.*

WHEREAS the public security requires that sheriffs and coroners should give sureties, proportioned to the trusts confided, for the faithful execution of their official duties: And whereas the existing laws, relating to this subject, are defective, inadequate and inapplicable to the greater number of the counties within the commonwealth: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the sheriff of each and every of the following counties, before he shall be commissioned or execute any of the duties of his office, shall enter into a recognizance, and become bound in an obligation with at least two sufficient sureties, in the sums and manner herein after mentioned, to wit: The sheriff of the city and county of Philadelphia, in the sum of sixty thousand dollars; the sheriff of the county of Bucks, in the sum of fifteen thousand dollars; the sheriff of the county of Chester, in the sum of twenty thousand dollars; the sheriff of the county of Lancaster, in the sum of twenty-five thousand dollars; the sheriff of the county of York, in the sum of fifteen thousand dollars; the sheriff of the county of Berks, in the sum of twenty thousand dollars; the sheriff of the county of Cumberland, in the sum of fifteen thousand dollars; the sheriff of the county of Northampton, in the sum

Sheriffs to enter into recognisance and give bond with sureties &c.

to what amount the sheriffs of the respective counties shall become bound.

sum of fifteen thousand dollars; the sheriff of the county of Bedford, in the sum of eight thousand dollars; the sheriff of the county of the county of Northumberland, in the sum of fifteen thousand dollars; the sheriff of the county of Westmoreland, in the sum of ten thousand dollars; the sheriff of the county of Washington, in the sum of fifteen thousand dollars; the sheriff of the county of Fayette, in the sum of ten thousand dollars; the sheriff of the county of Franklin, in the sum of ten thousand dollars; the sheriff of the county of Montgomery, in the sum of fifteen thousand dollars; the sheriff of the county of Dauphin, in the sum of fifteen thousand dollars; the sheriff of the county of Luzerne, in the sum of seven thousand dollars; the sheriff of the county of Huntingdon, in the sum of eight thousand dollars; the sheriff of the county of Allegheny, in the sum of ten thousand dollars; the sheriff of the county of Mifflin, in the sum of eight thousand dollars; the sheriff of the county of Delaware, in the sum of the eight thousand dollars; the sheriff of the county of Lycoming, in the sum of five thousand dollars; the sheriff of the county of Somerset, in the sum of five thousand dollars; the sheriff of the county of Greene, in the sum of five thousand dollars; the sheriff of the county of Wayne, in the sum of six thousand dollars; the sheriff of the county of Adams, in the sum of eight thousand dollars; the sheriff of the county of Centre, in the sum of five thousand dollars; the sheriff of the county of Crawford, in the sum of five thousand dollars; and the sheriff of each and every new county, which shall hereafter be erected and organised, in the sum of five thousand dollars: and for every representative to whom the said new county shall be entitled in the general assembly

sembly, more than one, an additional sum of four thousand dollars, and the coroner of each and every county before he shall execute any of the duties of his office, shall enter into a similar recognizance and become bound in a similar obligation with at least two sufficient sureties in like circumstances, in one fourth of the sum, which shall be by law required from the sheriff of the same county, "That he will well and truly "perform all and singular the duties to the said "office of coroner appertaining."

Said recognizances and bonds to be taken and recorded by the recorder of deeds of the proper county and transmitted to the Secretary of the commonwealth, & by him filed;

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said recognizances and bonds shall be taken and duly recorded by the recorder of deeds of the proper county; and when so taken and recorded shall be by him endorsed, as duly recorded, and forthwith transmitted to the Secretary of the commonwealth, who shall file the same in his office, copies whereof, under the hand and seal of office of the said Secretary or recorder shall be admitted as legal evidence in any suit or suits that shall be brought thereon against the cognisors or obligors, their heirs executors or administrators respectively; but before any such bond shall be so as aforesaid, taken or recorded, the sufficiency of the sureties therein named, shall be submitted to and approved of by the judges of the court of common pleas of the proper county, or any two or more of them for that purpose convened; and no commission shall be afterwards granted before the Governor shall have also approved of the sufficiency of the sureties aforesaid.

authenticated copies to be received in evidence;

the sureties to be first approved by the justices of the common pleas;

and, before commission issues, by the Governor.

Form of recognizance.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the recognizance of the sheriff shall be taken by the recorder of the proper

proper county, in the following form, to wit: "You A. B. C. D. and E. F. do acknow "ledge that you owe unto the commonwealth "of Pennsylvania, dollars, to be "levied and made of your several goods and "chattels, lands and tenements, upon condi- "tion that if you A. B. shall and do without "delay, and according to law, well and truly "serve and execute, all writs and process of "the commonwealth of Pennsylvania, to you "directed, and shall and do from time to time, "upon request to you for that purpose made, "well and truly pay, or cause to be paid, to "the several suitors and parties interested in "the execution of such writs or process, their "lawful attorneys, factors, agents or assigns, "all and every sum and sums of money to "them respectively belonging, which shall "come to your hands, and shall and do from "time to time, and at all times during your "continuance in the office of sheriff of the "county of , well and faithfully "execute and perform all and singular, the "trusts and duties to the said office lawfully "appertaining, then this recognizance to be "void, or else to be and remain in full force "and virtue, taken and acknowledged the "day of , in the year of our "Lord, one thousand eight hundred and "; before me G. H. recorder in and "for the county of ;" and the obli- gation of the sheriff and his sureties shall be in the form following, to wit: "Know all "men by these presents, that we A. B. C. D. "and E. F. are held and firmly bound unto "the commonwealth of Pennsylvania, in the "sum of dollars, to be paid to the "said commonwealth, for the uses, intents and "purposes declared and appointed, in and by

form of the obligation.

"as

"an act, entitled "An act directing sheriffs "and coroners to give sufficient sureties for "the faithful execution of their official duties, "and for other purposes," to which payment "well and truly to be made and done, we "bind ourselves, our heirs, executors and ad- "ministrators, jointly and severally, firmly by "these presents, sealed with our seals, and "dated the day of , in the "year of our Lord, one thousand eight hun- "dred and : The condition of the above "obligation is such, that if the said A. B. "after he shall be duly commissioned sheriff "of the county , for the term of " , from and after the second Tuesday "of October in the year last aforesaid, shall, "and do without delay according to law, well "and truly serve and execute all writs and pro- "cess of the said commonwealth to him direct- "ed, and shall and do from time to time upon "request to him for that purpose made, well "and truly pay or cause to be paid to the seve- "ral suitors and parties interested in the exe- "cution of such writs or process, their lawful "attornies, factors, agents or assigns, all and "every sum and sums of money to them re- "spectively belonging, which shall come to his "hands, and shall and do from time to time, and "at all times during his continuance in the "said office of sheriff, well and faithfully exe- "cute and perform all and every of the trusts and "duties to the said office appertaining, then this "obligation to be void or else to be and remain "in full force and virtue:" *Provided always nevertheless*, That no such recognizance or obli- gation shall be of any force or effect, if a com- mission shall not be afterwards granted to the person, who with proper sureties shall have ex- ecuted or acknowledged the same, in the man- ner prescribed by this act. Sec. 4.

The recognizance to operate as a lien on the real estate of sheriffs, coroners and their sureties;

Sec. 4. *And be it further enacted by the authority aforesaid,* That all the lands, tenements and hereditaments, which such sheriffs, coroners and their sureties shall possess, or be entitled to in every county within this commonwealth, shall be bound by a recognizance taken in manner aforesaid, as effectually as a judgment to the same amount in the court of common pleas of all the counties aforesaid, might or could now bind the same, and whenever the commonwealth, or any individual or individuals shall be aggrieved by the misconduct of any sheriff or coroner, it shall be lawful, as often as the case may require, to institute actions of debt of scire facias upon such recognizance against such sheriff or coroner, and their sureties, their heirs, executors or administrators, or actions of debt upon such obligations against such sheriff or coroner, and their sureties, their heirs, executors or administrators, and if upon such suits it shall be proved what damage hath been sustained, and a verdict and judgment shall be thereupon given, execution shall issue for so much only as shall be found by the said verdict and judgment with costs, which suits may be instituted and the like proceedings be thereupon had, as often as damage shall be so as aforesaid sustained: *Provided always,* That such suit or suits against such sureties, their heirs, executors or administrators, shall not be sustained by any court of this commonwealth, unless the same shall be instituted within five years after the date of such obligation or recognizance.

how sheriffs and coroners are to be proceeded against.

Within what time suits against the sureties of sheriffs &c. are to be commenced.

Sec. 5. *And be it further enacted by the authority aforesaid,* That until sureties shall be given in manner aforesaid, all commissions granted to, and all acts and things whatsoever done

Until surety is entered, no act of sheriff or coroner to be valid.

done by any such sheriff or coroner, under color of office, shall be void and of none effect.

Sheriffs &c. appointed to supply vacancies to give security in a sum proportioned to the time for which they are appointed.

Sec. 6. *And be it further enacted by the authority aforesaid*, That whenever a vacancy shall happen in the office of sheriff or coroner, which is to be filled by a new appointment in the manner prescribed, by the first section of the sixth article of the constitution of this commonwealth, the person about to apply so to be commissioned, shall enter into a recognizance, and give an obligation with sureties to be approved by the Governor, in manner aforesaid, for a sum proportioned to the time for which the commission is to be granted.

In case of the removal or death of a sheriff, coroner to execute the office of sheriff until another be appointed &c.

Sec. 7. *And be it further enacted by the authority aforesaid*, That if any sheriff of the city and county of Philadelphia, or of any other county within this commonwealth, shall be legally removed from his office, or die before the expiration of the term for which he shall have been commissioned, the coroner of the proper county shall execute the office of sheriff, and all things thereunto appertaining, until another sheriff shall be duly commissioned, and notice thereof shall be given to the coroner then exercising the office of sheriff, and the security and pledges given by every coroner in pursuance of this act, shall be a security to the commonwealth, and to all persons whomsoever for the faithful discharge and due performance of all the duties required by law from such coroner.

Sec. 8. And whereas the process by distringas is dilatory and expensive, and it is necessary

necessary to provide some adequate remedy therein, to prevent the delays of sheriffs and others in the duties of their respective offices: *Be it therefore enacted by the authority aforesaid*, That the court, out of which any writ of distringas, vice-comitem or distringas, nuper vice-comitem or other writ of distringas proceeds, may by a rule for that purpose made, order and direct that the issues levied from time to time shall be sold, and the money arising thereby be applied in the first instance to pay such costs to the plaintiff, as the said court shall think just, under all the circumstances to order, and have the remainder thereof in court to be retained until the defendant shall have appeared, or other purpose of the writ be answered, or to be rendered to the plaintiff for his debt, damages and costs where the same shall be ascertained: *Provided*, That where the purpose of a writ is answered, the said issues shall be returned, or if sold, what shall remain of the money arising by such sale shall be repaid to the party distrained upon.

Application of the issues on a distringas &c.

Sec. 9. *And be it further enacted by the authority aforesaid*, That whether a demand for that purpose shall be made or not, it shall be the duty of every sheriff, his deputy or agent, immediately after the receiving of any of his fees or of a bond, or other written security therefor, to deliver a bill of particulars, specifying the several items contained therein, and the amount thereof, to give the party so paying or securing the payment of any fees, a receipt in full therefor, to endorse on such written security when taken, that the same was given for fees, and to sign the endorsement so to be made, and if any sheriff,

Sheriffs to give a bill of particulars of their fees, and on payment, a receipt, whether the same be demanded or not;

penalty on failing to do so.

sheriff, his deputy or agent shall neglect to give such receipt, or make such endorsement in the manner directed by this act, on conviction thereof before the court of quarter sessions of the proper county, he shall forfeit and pay any sum not exceeding fifty dollars to the party injured, who is hereby declared to be a competent witness to prove such neglect.

Sheriffs to fix up in a conspicuous part of their offices, the 9th sec. of this act &c.

Sec. 10. *And be it further enacted by the authority aforesaid*, That within six months after the passing of this act, the sheriff of every county within this commonwealth, shall publish and set, and keep up in some conspicuous part of his office, the ninth section of this act, for the inspection of all persons having business in such office, on pain of forfeiting for each day the same shall be missing, through the said sheriff's neglect, the sum of ten dollars, which penalty may be recovered in any court of record, one half to the use of the informer, and the other half to the use of the county, wherein the offence shall be committed.

Repeal of such laws as are hereby altered or supplied &c.

Sec. 11. *And be it further enacted by the authority aforesaid*, That so much of every former act of assembly as is hereby altered or supplied, be, and the same is hereby repealed and annulled: *Provided always*, That nothing in this act contained, shall ever be so construed, as to impair, or in any manner affect any obligations, bonds, recognizances or other securities, heretofore made, given or acknowledged, or in any degree to prevent or obstruct the recovery of any monies, fines, forfeitures, penalties, debts or demands due or accruing, by virtue of any former

act or acts or parts thereof, which are hereby repealed and annulled.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—March the twenty-eighth 1803:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CLIV.

An ACT *to enable Martin Hocker, to obtain a title to a lot of land in the township of Paxton, and county of Dauphin.*

WHEREAS it has been represented to the legislature, that Martin Hocker, did purchase of his brother John Hocker, a lot of land, containing about ten acres, situate in the township of Paxton, in the county of Dauphin, and hath actually paid the full consideration for the same, according to the terms of an agreement made in the life time of the said John Hocker, who is since dead, by reason whereof he is deprived of the means of obtaining a title thereto, and as no written contract was made respecting the premises, he therefore prays the legislature to authorise the administrators of the said John Hocker, to execute a deed to him the said Martin Hocker, his heirs and assigns: And whereas, the said representation appears to be true, it is just and reasonable

reasonable that the prayer of the petioner ought to be granted: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the administrators of the said John Hocker, deceased, be, and they are hereby authorised on behalf of the heirs, of the said deceased, to convey to the said Martin Hocker, his heirs and assigns, the lot of land aforesaid, agreeably to the buts, boundaries and terms of the agreement aforesaid.

The representatives of John Hocker, deceased, empowered to convey in fee simple to Martin Hocker, a lot of land situate in Paxton township, Dauphin county.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-eighth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLV.

AN ACT *for the consolidation and amendment of the laws, as far as they respect the Poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority*

Time, places and manner of appointing guardians of the poor of the city of Philadelphia, the district of Southwark & the Northern Liberties, and the number to be appointed;

thority of the same, That the corporation of the city of Philadelphia, in select and common council assembled, the corporation of the district of Southwark, and the justices of the peace of the township of the Northern Liberties, or a majority of them, shall meet on the third Monday in May next, at three o'clock in the afternoon, at the several places herein after mentioned; that is to say, the select and common councils of the city of Philadelphia shall meet in the city hall at the time aforesaid, and by the joint vote of said councils elect, viva voce, sixteen substantial house-keepers, inhabitants of the said city, and the corporation of the district of Southwark shall, at the same time, meet in the commissioners' hall, in the said district, and then and there elect in manner aforesaid, six substantial house-keepers, inhabitants of said district, and the justices of the peace in the Northern Liberties, or a majority of them, shall at the time aforesaid, meet at the town-house in the Northern Liberties, and then and there elect eight substantial house-keepers, in manner aforesaid, who shall be inhabitants of said township, to be guardians of the poor in the said city, district, and township, and the said select and common council, the corporation of Southwark, and the justices of the Northern Liberties, shall forthwith direct their respective clerks to give notice in writing to each of the persons so chosen, of their appointment, within two days thereafter, and after the appointment of managers as herein after directed, who shall be taken in the ratio aforesaid, as near as may be from the city, district and township aforesaid, the whole number of guardians remaining shall be equally divided by lot, so that one

notice thereof in writing to be given to the persons chosen within two days after their appointment;

after the appointment of managers, the remaining number of guardians to be divided, by

he half, as near as may be, of those for the ty, district and township, shall be included n said equal division, which one half of said hole remaining number, shall continue in ffice for six calendar months, and no long- r, and the other half shall continue until he twenty-first day of May, one thousand ight hundred and four, and no longer, and n the third Monday in November next, or within ten days thereafter, the corporation of the city, the corporation of the district of Southwark, and the justices of the peace of the township of the Northern Liberties, or a majority of them, shall again meet, at the several places in the respective districts before mentioned, at three o'clock in the afternoon, and then and there in manner aforesaid, elect and constitute successors to serve for one year, in the stead of those who shall go out of office, and so every third Monday in May, and every third Monday in November annually thereafter, the said corporation of the city of Philadelphia in select and common council assembled, the corporation of the district of Southwark, and the justices of the peace of the Northern Liberties, or a majority of them, shall meet as aforesaid, and appoint one half of the said guardians, to supply the place of those who shall go out of office, (including those appointed as managers when their times shall expire) yearly, in order that there may be always some experienced persons in office; and if any guardian shall die or remove out of the said city, district or township, for which he may have been elected, before the expiration of his office, the president of the board of guardians shall without delay, after having received satisfactory information of the death or removal of any such guardian, direct and cause

lot into two classes, one of which to go out of office at the end of six months and the other to remain in office till the 21st of May, 1804.

of electing successors to serve for one year in the stead of those going out of office &c.

How vacancies occasioned by death or removal are to be supplied.

cause such vacancy to be supplied within
days after such information, so by him
ceived, in manner before directed and
ed out: *Provided always*, That all elec
for guardians of the poor, in manner a
said, shall be conducted with open doors.

Every guardian to take an oath or affirmation before entering on the duties of his office;

Sec. 2. *And be it further enacted by the authority aforesaid*, That every guardian elec in manner before directed, shall within days after his appointment, and before he ters upon the execution of his office, tak oath or affirmation according to law, w the mayor or recorder or any of the alder in the said city, or justice of the pe in the said district or township, is hei authorised to administer, that he will charge the office of guardian of the poor t ly, faithfully and impartially, to the best his knowledge and ability, and in case of n lect or refusal to take the necessary oath affirmation, for the faithful execution of s office, within the time aforesaid, he shall f feit and pay the sum of sixty dollars, for t use of the poor of the said city, district a township aforesaid: *Provided always*, That person shall be appointed a guardian of th poor, of the said city, district or towns aforesaid, who is not a citizen in this state.

Penalty for neglecting or refusing to take such oath or affirmation.

None but citizens to be appointed guardians.

Guardians of the poor created a body politic; their style, privileges and powers.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the said guardians the poor for the time being, shall be a bod politic and corporate in law, by the name "The guardians of the poor of the city "Philadelphia, the district of Southwark a "township of the Northern Liberties," wi all the privileges, powers and faculties of body politic and corporate, and by that name may

ay take and hold, all the estate real and per-
nal, now vested in the present guardians of
e poor of the city, district and township
resaid, and also any other real estate, to them
l their successors, not exceeding the value
sixteen thousand dollars, and take and hold
ods and chattels to them and their succes-
rs, be the said real or personal estate con-
yed to them, by gift, grant, bequest, or
ner alienation whatever, and may sue and be
d, plead and be impleaded, in courts of re-
rd or any other place whatever, and make
h laws, rules and orders, as shall appear to
m or a majority of them, to be useful and
cessary for the government of the said cor-
ration, its officers, estates, property and the
siness and affairs in general of the same:
vided, That such Laws, rules and orders
not inconsistent to the constitution and laws
this state, or of the United States.

Sec. 4. *And be it further enacted by the au-
rity aforesaid*, That the said guardians of
e poor or a majority of them, shall meet at
e house of employment on the fourth Mon-
y in May next, and appoint eight of their
mber, four to be taken from the said city,
o from the said district, and two from the
d township, in order to superintend the alms-
use and house of employment in the said city,
o shall forthwith after their appointment, di-
de themselves by lot into two classes, the
ne of service of the first class shall end at
e expiration of six months, and that of the
cond class at the expiration of one year from
ir first appointment, and on the fourth Mon-
in May and November annually, the places
those whose time of service has expired,
ll be supplied by a new election of persons,
in

Of appoiting managers to superintend the alms-house & house of employment;

how long they shall serve;

Their places to be supplied by a new election;

in the proportion aforesaid for one year, from the body of guardians of the poor, so that four shall be appointed every six months; and the said eight managers shall exercise all the authorities of the present managers of the said institution, not inconsistent with the provisions and regulations of this act; the books of the managers shall at all times be open to the inspection and examination of the guardians of the poor at the alms-house, and the said managers shall during their continuance in office, be exempted from all other duties of office required of the guardians, and from the duties of jurors; and the whole duties of the guardians shall be performed by the remaining guardians who are not managers, who shall also be exempted from the duties of jurors during their continuance in office; the said managers shall also, previously to their entering on the execution of the office of manager, respectively take an oath or affirmation according to law, which the mayor or recorder, or any alderman of the said city, or justice in the said district or township, is hereby empowered to administer, that he will discharge the office of manager truly, faithfully and impartially, to the best of his knowledge and ability; and if any manager shall die, remove out of the said city, district and township, or become insolvent before the time for which he was appointed shall expire, his place shall be supplied by a new election, to be made by the guardians and managers aforesaid, or a majority of them.

powers of the managers—their books to be at all times open to the inspection of the guardians of the poor;

what duties they are to be exempted from;

the guardians, who are not managers, to be exempted from the duties of jurors;

qualification of the managers;

vacancies by death &c. how to be supplied.

The managers empowered under certain conditions to lay an assessment not exceeding a given amount.

Sec. 5. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said managers or a majority of them, having first obtained the approbation of any four of the said aldermen, and two of the justices

tices of the said district, and two from said township, to make and lay a rate or assessment, not exceeding one hundred cents in the hundred dollars at any one time, upon the value of all the real and personal estate within the said city, district and township respectively, and not more than three dollars per head on every freeman, not otherwise rated for his estate in every one hundred cent tax, and so in proportion for any lesser rate on the county assessment of the city, district and township aforesaid.

How they are to proceed in laying said assessments.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the said managers, or a majority of them, with the approbation of the said aldermen and justices, in laying the rates as aforesaid, shall be guided by the county assessment, made or to be made on other occasions, having due regard to every man's estate within the said city, district and township, so to be rated and assessed, and shall enter such rates fairly in a book, of which a fair duplicate signed by the said managers or a majority of them, shall be delivered to the aldermen and justices aforesaid, who shall allow the same, if they find it just and reasonable, without fee or reward, and shall permit any inhabitant to inspect the rates, at all reasonable times without any fee or reward, and shall give copies on demand, being paid at the rate of four cents for every twenty-four names, and if any such manager shall not permit any inhabitant to inspect, or shall refuse to give copies as aforesaid, he shall forfeit three dollars to the party aggrieved, to be recovered as debts under forty shillings are directed by law to be recovered.

The guardians of the poor & managers of the alms-house empowered to appoint collectors of the poor tax;

Sec. 7. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said guardians of the poor, and managers of the alms-house, or a majority of them, at a general board, to appoint and employ fit persons, who are citizens residing in the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, to be receivers and collectors of the poor tax, and taxes assessed or imposed, or hereafter to be assessed or imposed upon the inhabitants of the said city, district and township, for the use and benefit of the poor thereof, which said receivers and collectors so to be appointed, shall actually reside within the district wherein they are empowered to collect, and shall with two freehold sureties to be joined threin severally, make and execute a bond or bonds unto the said guardians of the poor, in a sum equal to double the amount of his or their duplicate, with a condition or conditions thereunto severally annexed and underwritten, for the true and faithful performance of all and singular, the duties and services which shall or may be lawfully imposed upon and required, from such collector or collectors respectively, which said bonds, the guardians aforesaid, shall forthwith file in the prothonotary's office, and after being so filed, are hereby declared to be and operate from the time of filing the same, as a judgment or judgments, upon the lands, tenements, goods, chattels and effects of the said receivers, collectors and their sureties, until the final adjustment, settlement and discharge of the said receivers and collectors, for or on account of their respective duplicates.

who shall reside within the district wherein they are empowered to collect, and shall give bond for the faithful performance of their duties, &c.

Powers and duties of the collectors of the poor tax,

Sec. 8. *And be it further enacted by the authority aforesaid*, That the said collector or collectors to be appointed as aforesaid, shall and may

may from time to time, levy and raise from and upon all and every the said inhabitants of the city, district and township aforesaid, and of and from their respective estates, chattels and effects, all such sums of money as shall be lawfully assessed and imposed upon the said inhabitants respectively, or their respective estates, chattels and effects, for the use and benefit of the poor, and it shall be the duty of the receivers or collectors of the poor taxes, immediately on being furnished with their respective duplicates, to give two months notice to the taxable inhabitants, residing within the district wherein he is appointed, to collect the said tax, requiring them to pay the same to him within two months, and all those who shall have neglected to call and pay their tax within the time aforesaid, shall be called upon by the collector in person, at least once at their respective dwellings or places of abode, and demand payment of the said tax, and in case of non-payment thereof, he shall leave a written or printed notice, stating the sums respectively due, with information that if the said tax is not paid within thirty days from the date of such notice, that their goods, chattels and effects, will be levied upon and distrained therefor, which goods, chattels and effects so levied upon and distrained, shall be irrepleviable by the person or persons from whom the tax may be due, and may be removed by the said collector, to his own dwelling house or elsewhere within the district, and sold at public sale by the said collector, within ten days after the distress so as aforesaid made, five days notice of such sale being first publicly given; and it shall be the duty of the said collector, when and as often as he shall seize and make distress as aforesaid, and he is hereby enjoined

to give notice to the taxables requiring them to pay their tax,

how they are to proceed to collect the tax where the payment of it is neglected;

to

The guardians of the poor & managers of the alms-house empowered to appoint collectors of the poor tax;

Sec. 7. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said guardians of the poor, and managers of the alms-house, or a majority of them, at a general board, to appoint and employ fit persons, who are citizens residing in the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, to be receivers and collectors of the poor tax, and taxes assessed or imposed, or hereafter to be assessed or imposed upon the inhabitants of the said city, district and township, for the use and benefit of the poor thereof, which said receivers and collectors so to be appointed, shall actually reside within the district wherein they are empowered to collect, and shall with two freehold sureties to be joined threin severally, make and execute a bond or bonds unto the said guardians of the poor, in a sum equal to double the amount of his or their duplicate, with a condition or conditions thereunto severally annexed and underwritten, for the true and faithful performance of all and singular, the duties and services which shall or may be lawfully imposed upon and required, from such collector or collectors respectively, which said bonds, the guardians aforesaid, shall forthwith file in the prothonotary's office, and after being so filed, are hereby declared to be and operate from the time of filing the same, as a judgment or judgments, upon the lands, tenements, goods, chattels and effects of the said receivers, collectors and their sureties, until the final adjustment, settlement and discharge of the said receivers and collectors, for or on account of their respective duplicates.

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Powers and duties of the collecters of the poor tax,

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may

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to give notice to the taxables requiring them to pay their tax,

how they are to proceed to collect the tax where the payment of it is neglected;

to

to furnish and deliver at the time of making such distress, to the owner or owners of the goods so seized or distrained, a just, true and perfect inventory of the goods, chattels and effects so as aforesaid distrained, and to furnish to the owner or owners as aforesaid, a true and perfect account of the amount of the sales of said goods, chattels and effects, so as aforesaid distrained and sold, and if any surplus should be and remain after payment of the taxes due, and reasonable costs and charges incident to the sale, then and in such case the collector aforesaid, shall pay over to the owner or owners aforesaid, the said surplus, and in case of neglect or refusal to pay over the said surplus within three days after such sale if demanded, the collector shall forfeit and pay a sum not exceeding ten per cent. to be calculated upon the said surplus, to be recovered together with such surplus before any alderman or justice, any law, usage or custom to the contrary in any wise notwithstanding; and it shall be the duty of the said collector or collectors, to keep an exact account of all sums of money rated and collected by them, and of all such sums of money as are rated and not collected by them, and the examination and final settlement of the accounts of the said collector or collectors shall belong to the said managers and guardians of the poor, who shall have full power and authority to allow and deduct such parts thereof only, as to them shall seem just and reasonable.

to keep on account of all monies rated and collected by them, &c.

Sec. 9. *And be it further enacted by the authority aforesaid*, That the said managers and guardians of the poor, or a majority of them, shall annually appoint one of their own body, removable at their pleasure, to act as treasurer of

Managers and guardians of the poor, annually to appoint, from

of the said corporation, to whom the collector or collectors shall pay once in every week, and render an account of all sums of money which they shall respectively have received, for or on account of the said poor tax, and the said treasurer shall give a receipt or receipts to such collector or collectors, for the money which he or they shall from time to time pay to him, which said receipt or receipts shall be a good and sufficient discharge, to the said collector or collectors, for so much money as may be therein expressed to have been received; it shall also be the duty of such treasurer to pay out of the money belonging to the said corporation in his hands, all such orders as may be lawfully drawn on him, by order of the board of managers or guardians as the case may be, and before he enters on the execution of his office, he shall become bound to the said guardians of the poor, with two or more sufficient freehold sureties, in an obligation of twenty thousand dollars, conditioned for the true and faithful discharge of his said office, and that at the expiration thereof, or his removal from the same, he will well and truly pay and deliver over to his successor, all the money, books, accounts, bonds and other papers belonging to the said corporation, which shall then be remaining in his hands or possession, and no person shall be capable of holding the said office of treasurer longer than three years, in any term of six years.

their own body, a treasurer, &c.

his duties.

before he enters on the execution of his office, to give bond, &c.

Sec. 10. *And be it further enacted by the authority aforsaid*, That the said guardians of the poor, or a majority of them, shall appoint a proper person, removable at their pleasure, with a salary or compensation not exceeding the yearly sum of four hundred dollars, and it shall be the duty of the said officer to attend the general

Said guardians shall appoint a clerk with a salary not exceeding $400.

neral meetings of the said guardians of the poor, to keep fair minutes of their transaction, and generally to do and perform all such other duties as may be enjoined on him by the said corporation, but before he enters on the execution of his office, he shall become bound to the said guardians of the poor, with one or more sufficient freehold sureties, in an obligation of two thousand dollars, conditioned for the true and faithful discharge of his said office, and that at the expiration thereof, or his removal from the same, he will deliver over to his successor all the books, accounts and other papers belonging to the said corporation, which shall then be remaining in his hands, custody or possession.

who, before entering on the duties of his office, shall give bond, &c.

Sec. 11. *And be it further enacted by the authority aforesaid*, That any of the said guardians of the poor, may with the consent of any alderman of the said city, or justice of the peace residing in the said district or township, afford relief to the sudden necessity of any poor person, not exceeding eight dollars within three months, and it shall be the duty of the said guardian, to state the circumstances of such case to the next general meeting of the guardians, and the said guardians, or a majority of them, shall take measures to have such poor person or persons removed to the place of legal settlement.

Of affording relief to the sudden necessities of the poor, &c.

Sec. 12. And whereas it frequently happens that cases suddenly arise, that require immediate relief and assistance, without the possibility of having the person or persons immediately removed to the alms-house and house of employment: For remedy whereof, *Be it enacted by the authority aforesaid*, That in all such ca-

Powers of two guardians to

furnish relief in cases of emergency,

es, two of the guardians of the poor shall
l may personally visit the person or
sons so suddenly and immediately re-
iring relief and assistance, his, her or
ir family; and if in the opinion of such
ardians so visiting as aforesaid, the person
persons, his, her, or their family or families
uire immediate assistance, and that he, she
hey cannot with safety and convenience to
mselves, be immediately removed to the
s-house and house of employment, then and
ll such cases, the said guardians shall and
y furnish to such person or persons, his, her
their family or families, such reasonable and
derate relief as he, she or they may require,
m day to day, until the next meeting of the
neral board of guardians, when the said
ardians so furnishing relief aforesaid, shall
l they are hereby enjoined to report the
e or cases, together with the circumstances
l the amount of relief furnished, after which
shall be the duty of the said general board
take the premises into consideration, and
ler and direct a continuance of the relief and
sistance in manner and form aforesaid or direct
l order the person or persons so as aforesaid
ieved, to be forthwith removed to the alms-
use and house of employment, and in case
e general board shall be of opinion, that the
rson or persons so as aforesaid visited
l relieved, shall be removed to the alms-
use and house of employment, and if the said
rson or persons shall refuse to be so remov-
, then and in such case from and immediate-
fter such refusal, no further or other relief
ll be furnished or allowed to such person
persons, his, her or their family, other than
the house aforesaid.

to report such cases, with their proceedings therein to to the next meeting of the general board of guardians, &c.

Sec. 13.

The managers empowered to put out poor children, as apprentices, &c.

Sec. 13. *And be it further enacted by the au-thority aforesaid*, That it shall and may be lawful for the managers aforesaid, or a majority of them, to put out as apprentices to some trade or calling, all poor children, that is the children of such poor persons, who are dead without leaving property or kindred to provide for their children, or who if living shall be found unable to maintain them, males to the age of twenty-one and females to the age of eighteen years, and also with the approbation of any two aldermen of the said city, or justices of the peace residing in the said district or township, to bind out by indenture or deed-poll, any disorderly persons who by their own lewdness, drunkenness or evil practices have fallen sick, and become chargeable to the said city, district and township, to any master or mistress, and his and her assigns, who will advance and pay such consideration for such service as the said managers or a majority of them shall think fit to accept for the same: *Provided always*, That no married man or woman, nor any person of the age of forty years and upwards, shall be liable to be bound by indenture or deed-poll as aforesaid, and that such binding shall not be for a longer term than will be sufficient to reimburse the guardians of the poor, the expences incurred on account of such person, and so as the same do not exceed in the whole the space of three years.

and also to bind out by indenture disorderly persons, &c.

What persons shall be admitted or entered in the poor books.

Sec. 14. *And be it further enacted by the au-thority aforesaid*, That no person or persons shall be admitted or entered in the poor books of the said alms-house and house of employment, but those who have legal settlement, or where they have not procured security to repay the expences, nor before

per-

erson or persons shall have procured an order, gned by at least two of the said guardians of e poor, who shall thereon state the reason d cause of such order, which shall be laid fore the board of managers when they shall xt sit, who shall determine thereupon as they all think proper.

Sec. 15. *And be it further enacted by the authority aforesaid,* That if any person appointed to be one of the guardians of the poor within his corporation, not having before served therein as aforesaid, shall refuse or neglect to take upon himself the said office, he shall forfeit sixty dollars to the said corporation, for the use of the poor of the said city, district and township, to be levied by warrant issued by the mayor of the city of Philadelphia, or of two justices of the township of the Northern Liberties or the district of Southwark; and if any guardian of the poor shall remove from said city, district and township, he shall before such his removal, deliver over to some other guardian of the poor of the said city, district or township, his accounts, books, papers, money and other things concerning his office, and upon the death of any guardian, his executors or administrators shall within forty days after his decease, or within forty days after they undertake the execution of the will, or administration of the estate of such deceased guardian, deliver over all things concerning his office to some other guardian as aforesaid, and shall also pay out of the assets all monies remaining in which he received by virtue of his office, before any of his other debts are paid, saving funeral charges.

Penalty on guardians of the poor, not having before served, refusing or neglecting to serve in said office;

In case of the removal or death of any guardian, all books, papers, &c. to be delivered to some other guardian, &c.

What shall be deemed gaining a legal settlement within the city, &c.

Sec. 16. *And be it further enacted by the* [a]*thority aforesaid,* That if any person who sh[all] come to inhabit in the said city, district [or] township, shall for himself and on his ow[n] account, execute any public office being legal[ly] ly placed therein, in the said city, district [or] township, during one whole year, or if a[ny] person shall be charged with, and pay his [or] her share towards the public taxes or lev[ies] for the poor of the said city, district or tow[n]ship, for two years successively, or if a[ny] person shall really and bona fide take a lea[se] of any lands or tenements in the said [city] district or township, of the yearly value [of] ten pounds, and shall dwell in or upon t[he] same for one whole year, at one and the s[ame] time, and pay the said rent, or shall beco[me] seized of any freehold estate in any lands [or] tenements in the said city, district or tow[n]ship, and shall dwell in or upon the same [for] one whole year, or if any unmarried pers[on] not having children or child, shall be lawf[ul]ly bound or hired as a servant in the s[aid] city, district or township, and shall contin[ue] and abide in such service during one wh[ole] year, or if any person shall be duly bou[nd] an apprentice by indenture, and shall inhab[it] in the said city, district or township, wit[h] his or her master or mistress for one whe[le] year, such persons in any of these cases sh[all] be adjudged and deemed to gain a legal s[et]tlement in the said city, district or to[wn]ship.

How indented servants shall gain a legal settlement &c.

Sec. 17. *And be it further enacted by th[e]* [a]*thority aforesaid,* That every indented ser[vant] legally and directly imported from Europe [to] this state, who shall serve with his or [her] master or mistress in the said city, dist[rict]

or township, sixty days immediately after his or her arrival, or who after having so served in any other place within the state, shall duly serve any master or mistress in the said city, district or township, for the space of one year, shall obtain a legal settlement therein, and all mariners and every other healthy person coming from Europe into this state, shall gain a settlement in the said city, district and township, in the same manner as is herein before directed.

Place of legal settlement of married women.

Sec. 18. *And be it further enacted by the authority aforesaid*, That any married woman shall be deemed during coverture and after her husband's death, to be legally settled in the place where he was last legally settled, but if he shall have no known legal settlement, then she shall be deemed, whether he is living or dead, to be legally settled in the place where she was last legally settled before her marriage.

Persons removing from any borough, &c. into the city, &c. and producing a certificate from the overseers of the poor of the place from whence they removed, &c. how to be provided for, &c.

Sec. 19. *And be it further enacted by the authority aforesaid*, That if any person or persons shall, after the publication of this act, come out of any borough, township or place within this state, into the said city, district or township of the Northern Liberties there to inhabit and reside, and shall at the same time procure, bring and deliver unto the guardians of the poor in the said city, district and township, a certificate under the hands and seals of the overseers of the poor of the borough, township or place whence he, she or they removed, to be attested by two or more credible witnesses, thereby acknowledging the person or persons mentioned in the said certificate, to be an inhabitant or inhabitants

tants legally settled in that borough, township or place, every such certificate having been allowed of and subscribed by one or more justices of the peace of the county where such borough, township or place doth lie, shall oblige the said borough, township or place to provide for the persons mentioned in the said certificate, together with his or her family as inhabitants of that place, whenever he, she or they shall happen to become chargeable, or be obliged to ask relief of the said city, district and township, and then and not before it shall and may be lawful for any such person, and his or her children though born in the said city, district or township, and his or her servants and apprentices, not having otherwise acquired a legal settlement therein, to be removed, conveyed and settled in the borough, township or place whence such certificate was brought, and the witnesses who attest the execution of the certificate by the overseers, or one of the said witnesses, shall make oath or affirmation according to law, before the justice or justices who are to allow the same, that such witness or witnesses did see the overseers of the poor, whose names and seals are thereunto subscribed and set, severally sign and seal the said certificate, and the names of such witnesses attesting the said certificate are of their own proper hand-writing, which said justice or justices shall also certify, that such oath or affirmation was made before him or them, and every such certificate so allowed, and oath or affirmation of the execution thereof so certified by the said justice or justices, shall be taken and received as evidence without other proof thereof, and no person so coming by certificate into the said city, district or township, nor an apprentice

prentice or servant to such person shall be deemed or adjudged by any act whatsoever, to have gained a legal settlement therein, unless such person shall after the date of such certificate, execute some public annual office being legally placed therein, in the said city, district or township.

Sec. 20. *And be it further enacted by the authority aforesaid,* That no person whomsoever who shall come into the said city, district or township, without such certificate as aforesaid, (mariners and other healthy persons coming from Europe as aforesaid excepted) shall gain a legal settlement therein, unless such person shall give security if required, at his or her coming into the same, or within three months thereafter, for indemnifying and discharging the said city, district and township, to be allowed by any one alderman of the said city, or justice of the peace residing in the district or township aforesaid.

No person coming into the city, &c. without such certificate to gain a legal settlement, except, &c.

Sec. 21. *And be it further enacted by the authority aforesaid,* That upon complaint being made by the guardians of the poor of the said city, district and township, to any one or more of the aldermen of the said city, or to one or more of the justices of the peace of the county residing in the said district or township, that any person or persons therein, is or are likely to become chargeable, it shall and may be lawful to and for any two aldermen of the said city, or any two justices of the peace of the county residing in the said district or township, by their warrant or order, directed to the said guardians of the poor, to remove and convey such person or persons to the borough, township, state or place where he, she or they was

Proceedings, where poor persons are likely to become chargable:

was or were last legally settled, unless such person or persons shall give sufficient security to discharge and indemnify the said city, district and township: *Provided always*, That if any person or persons shall think him, her or themselves aggrieved, by any order of removal made by any of the said aldermen or justices, such person or persons may appeal to the next mayor's court for the said city, or the next court of quarter sessions of the peace for the said county, from whence such poor persons shall be removed and not elsewhere, which said court shall determine the same, and if there be any defects of form in such order, the magistrates or justices composing such court, shall cause the same to be rectified and amended without any costs to the party, and after such amendment shall proceed to hear the truth and merits of the cause, but no such order of removal shall be proceeded upon unless reasonable notice be given by the said guardians of the poor, unto the overseers of the borough, township or place from which the removal shall be, the reasonableness of which notice shall be determined by the court to which the appeal is made, and if it shall appear to such court that reasonable time of notice was not given, then the appeal shall be adjourned to their next sessions, when and where the same shall be finally determined.

Persons feeling themselves aggrieved may appeal to the next mayor's court or court of quarter sessions, &c.

Sec. 22. *And be it further enacted by the authority aforesaid*, That for the more effectual prevention of vexatious removals and frivolous appeals, the mayor's court for the city, or the court of quarter sessions for the county of Philadelphia, upon any appeal concerning the settlement of any poor persons, or upon any proof before them there to be made, of notice

Method of proceeding for preventing vexatious removals and frivolous appeals, &c.

notice of any such appeal to have been given by the proper officer, to the guardians of the poor of the said city, district and township, or to the overseers of the poor of any borough, township or place, (though they did not afterwards prosecute such appeal) shall at the same sessions, order to the party in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, such costs and charges as by the said court in their discretion shall be thought most reasonable and just, to be paid by the guardians, overseers or any other persons against whom such appeal shall be determined, or by the person that did give such notice, and if the person ordered to pay such costs and charges shall live out of the jurisdiction of the said court, any justice of the peace where such person shall inhabit, shall on request to him made, and a true copy of the order for the payment of such costs and charges, certified under the hand of the clerk of the court, by his warrant, cause the same to be levied by distress, and if no such distress can be had, shall commit such person to the common jail, until he pays the said costs and charges or be otherwise legally discharged; and if the said court on such appeal shall determine in favor of the appellant, that such poor person was unduly removed, they shall at the same session order and award to such appellant, so much money as shall appear to them to have been paid by the city, district, borough, township or place on whose behalf such appeal was made, towards the relief of such poor person, between the time of such undue removal and the determination of such appeal with the costs aforesaid, the said money so awarded, and the costs to be recover-

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ed in the same manner as costs and charges awarded against an appellant, are to be recovered by virtue of this act as aforesaid.

Any old persons, infants, maimed, &c. being imported into the city, &c. the measures to be taken to have them removed or to indemnify the city, &c. against their becoming chargable:

Sec. 23. *And be it further enacted by the authority aforesaid*, That upon information given to the mayor or recorder of the city of Philadelphia, for the time being, together with one of the aldermen of the said city, or to any two justices of the peace of the county of Philadelphia, residing in the said district of Southwark, or the township of the Northern Liberties, that any old persons, infants, maimed, lunatic, or any vagabond or vagrant persons are imported, come, or are brought within the said city, district or township, the said mayor or recorder, and aldermen as aforesaid, or any two justices of the peace for the county of Philadelphia, residing in the said district or township, shall cause such aged person, infants or impotent, or vagrant persons to be brought before them, and if upon examination they shall judge, that such person or persons are likely to become chargeable to the said city, district or township, it shall and may be lawful for the said mayor, or recorder and aldermen, or two justices of the peace as aforesaid, by warrant or otherwise, to send for the master or merchant, or other person who imported any such infant, lunatic, aged, maimed, impotent or vagrant person or persons, as are likely to become chargeable as aforesaid, and upon proof made of their being the importers, or owners of such ship or vessel, in which such infant, lunatic, aged, maimed, impotent or vagrant persons, who shall be judged likely to become chargeable as aforesaid, were imported, then the said mayor, or recorder and alderman, or any two of the

the justices as aforesaid, shall and may compel the said master, merchant or importer of such infant, lunatic, maimed, aged, impotent or vagrant person or persons to give sufficient security, to carry and transport such infant, lunatic, maimed, aged, impotent or vagrant person or persons to the place or places whence such person or persons, were imported or brought from, or otherwise to indemnify the inhabitants of the said city, district and township, from any charge that may come or be brought upon them by such infant, lunatic, maimed, aged, impotent or vagrant person or persons: *Provided always*, That if any person or persons shall apprehend him or themselves aggrieved, with any such order or judgment, the person or persons so aggrieved, may appeal to the next mayor's court for the city, or the next court of quarter sessions of the county of Philadelphia where such order shall be made, whose judgment shall be final; but before such appeal be allowed the person or persons appealing, shall enter into a recognizance with one good surety at least, to pay the costs and charges of such appeal, in case the said order be confirmed.

Appeal allowed to persons feeling themselves aggrieved, &c.

Sec. 24. *And be it further enacted by the authority aforesaid*, That if any house-keeper or inhabitant of the said city, district or township, shall hereafter take into, receive or entertain, in his or her house or houses, any person or persons whomsoever, (all mariners coming into this state, and every other healthy person coming from any foreign port immediately into the said state only excepted) being persons who have not gained a legal settlement, in some other township, borough or

Penalty on house-keepers &c. entertaining persons not having a legal settlement within this state, &c.

place within this state, and shall not give notice in writing, which they are hereby required to do, within three days next after the taking into or entertaining, any person or persons in his or her house within the said city, district or township, to the guardians of the poor or some one of them of the said city, district and township, such inhabitant or house-keeper being thereof legally convicted by testimony, of one credible witness on oath or affirmation before any one alderman of the city of Philadelphia, or before any one justice of the peace residing in the said district or township, shall forfeit and pay the sum of four dollars for every offence, the one moiety for the use of the poor of the said city, district and township, and the other moiety to the informer, to be levied on the goods and chattels of the delinquent in the manner herein after directed, and for want of sufficient distress the offender to be committed to the jail of the city and county of Philadelphia, there to remain without bail or mainprize for the space of ten days: And moreover in case the person or persons so entertained or concealed, shall become poor and unable to maintain him or herself, and cannot be removed to the place of his or her last legal settlement in this or any other state, if any such he or she hath, or shall die, and not have wherewithal to defray the charges of his or her funeral, then and in such case the house-keeper or person convicted of entertaining or concealing such poor person against the tenor of this act, shall be obliged to provide for and maintain such poor and indigent person or persons, and in case of such poor person's death, shall pay the guardians of the poor so much money as shall be expended on the burying of such poor

and

ınd indigent person or persons, and upon re-
ıusal so to do, it shall be lawful for the guar-
lians of the poor in the said city, district
ınd township, and they are hereby required
› assess a sum of money on the person or
ersons so convicted, from time to time, by a
eekly assessment, for maintaining such poor
ınd indigent person or persons, or asses a sum
f money for defraying the charges of such poor
erson's funeral as the case may be, and in case
ie party convicted, shall refuse to pay the
ım of money so assessed or charged, to the
uardians of the poor for the uses aforesaid,
he same shall be levied on the goods and
hattels of the offender in the manner here-
ı after directed, but if such person so con-
icted have no goods or chattels to satisfy
he money so assessed for him or her to
ay, then it shall and may be lawful for the
id aldermen or justices to commit the of-
ender to prison, there to remain until he or
he hath paid the same, or until he or she shall
e discharged by due course of law.

Sec. 25. *And be it further enacted by the au-
ority aforesaid*, That if any person be re-
ıoved by virtue of this act, from any bo-
ough, township or county to the said city,
istrict of Southwark or township of the
orthern Liberties, by warrant or order of
ny two justices of the peace of any coun-
, under their hands and seals, or from the
id city, district or township, to any other
wnship, borough, county or place by war-
nt or order of any two aldermen of the
id city, or of two justices of the peace re-
ding in the said district or township, under
eir hands and seals as aforesaid, the guar-
ians or overseers of the poor of the city,
borough,

Penalty on guardians or overseers of the poor not receiving persons removed by warrant or order, &c.

borough, township, or place to which such person shall be so removed, are hereby required to receive the said person, and if any of the said guardians or overseers shall refuse or neglect so to do, he or they so offending upon proof thereof, by one or more credible witnesses upon oath or affirmation before any one of the aldermen of the said city, or justices of the peace residing in the said district or township, or justices of the peace of any township, borough or county where the offender doth reside, shall forfeit for every such offence the sum of twenty dollars, to the use respectively of the poor of the said city, district and township, or other township or borough from which such person was removed, to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the said alderman or justice of the peace as aforesaid, which he is hereby required and empowered to make, directed to the constable of the city, district, township or borough where such offender or offenders dwell, returning the overplus if any there be to the owner or owners, and for want of sufficient distress then the offender to be committed to the jail of the county where he dwells, there to remain without bail or mainprize for the space of thirty days.

Poor persons removing from the city, &c. into any other township, borough, &c. or from thence into the city, &c. and falling sick or

Sec. 26. *And be it further enacted by the authority aforesaid*, That if any poor person or persons shall remove out of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties, into any other township, borough or place within this state, or shall remove out of any borough, township or place into the said city, district or town-

of the Northern Liberties, and shall fall sick or die, before he or she hath gained a legal settlement in the said city, district and township, or other township or borough to which he or she shall come, so that such person or persons cannot be removed, the guardians of the said city, district and township of the Northern Liberties, or overseers of the said other township or borough into which such person or persons is or are come, or one of them, shall as soon as conveniently may be respectively give notice to the overseers of such township or borough, or to the guardians of the said city, district and township of the Northern Liberties, (as it may happen to be necessary) where such person or persons had last gained a legal settlement, or to one of the said overseers or guardians, of the name, circumstances and conditions of such person or persons, and if such overseers of a township or borough, or guardians of the said city, district and township of the Northern Liberties, to whom such notice shall be so given, shall neglect or refuse to pay the money expended, as well before as after the said notice, for the use of such poor person or persons, and to take order for relieving and maintaining such poor person or persons, or in case of his, her or their death before notice can be given as aforesaid, shall on request being made, neglect or refuse to pay the money expended in maintaining and burying such poor person or persons, then and in every such case it shall be lawful for any two aldermen of the said city, or justices residing in the said district, or township of the Northern Liberties, or for any two justices of the peace (not residing in the said district or township of the Northern Liberties) of the county where such poor person or persons were last legally settled,

dying; guardians or overseers to give notice to those where such persons last gained a legal settlement, &c.

method of proceeding in case of refusal to reimburse the expences, &c.

led, and they are hereby authorised and required, upon complaint made to them, to cause all such sums of money as were necessarily expended for the maintenance of such poor person or persons, during the whole time of his, her or their sickness, and in case he, she or they die, for his, her or their burial, by warrant under their hands and seals to be directed to some constable of the said city, district or township of the Northern Liberties, or of such other township or borough, to be levied by distress and sale of the good and chattels of the said guardian or guardians, overseer or overseers of the poor so neglecting or refusing, to be paid to the guardians or overseers aforesaid, where such poor person or persons happened to be sick or to die as aforesaid, and the overplus of the monies arising by sale of such goods remaining in the constable's hands, after the sum of money ordered to be paid together with the costs of distress are satisfied, shall be restored to the owner or owners of the said goods: *Provided always*, That if any of the said guardians of the poor, or the overseers aforesaid, shall think him or themselves aggrieved by any sentence of such justices, or by their refusal to make any order as aforesaid, he or they may appeal to the next mayor's court for the said city, or to the next court of quarter sessions for the county, where such guardians or overseers reside, and not elsewhere, who are hereby authorised and required to hear and finally to determine the same.

Guardians or overseers thinking themselves aggrieved may appeal, &c.

Sec. 27. And whereas it may frequently happen that the place of last legal settlement of poor and indigent persons, may be far distant from the city of Philadelphia: *Be it further enacted by the authority aforesaid*, That where any

ny person not having legal settlement within he city of Philadelphia, the township of the Northern Liberties, or the district of South- ark, shall be relieved and provided for tem- orarily by the guardians of the poor in the ity of Philadelphia, district of Southwark and he township of the Northern Liberties, it hall and may be lawful for the said guardians o transmit, with the poor or indigent person r persons so as aforesaid relieved, to his last lace of legal settlement, a bill containing the mount of monies expended in the relief of uch poor indigent person or persons, certi- ied under the seal of the corporation, and at- sted by the oath or affirmation of the guar- lian furnishing or expending the same, which aid bill so certified and attested, shall be re- ived by the overseers or justices of the ownship or place where the said poor or in- ligent person or persons were last legally set- led, as evidence, but not conclusive evidence f the amount, if upon an appeal the settlement hall be affirmed, and in case the overseers of he place or township to which such poor and ndigent person or persons shall be removed, r the parties removing, as the case may be, hall appeal from the judgment of the said stices to the court of quarter sessions of the ounty, to which such removal shall be made, e said court shall receive the said bill so as foresaid certified and attested, as evidence, but ot conclusive evidence of the amount, and the verseers of the place or township to which uch poor and indigent person or persons shall e so as aforesaid removed, shall be liable to ay the amount adjudged to be due, whether otice has been given to them or not, of the aupers being within the corporation of the uardians of the poor in the city of Philadel- phia,

Mode of proceeding to obtain a reimbursement of expences in awarding temporary relief to persons not having a legal settlement within the city, &c.

phia, district of Southwark and the township of the Northern Liberties, any law, usage or custom to the contrary in any wise notwithstanding.

The settlement of negroes shall be deemed to be where they were registered if slaves, and if free, the township or place where liberated, &c. and such township, &c. shall maintain them becoming chargable:

Sec. 28. And whereas negroes and mulattoes liberated after the age of twenty-eight years, and others not having legal settlement within this corporation or elsewhere, frequently come to inhabit and reside therein: *Be it enacted by the authority aforesaid,* That the settlement of all negroes and mulattoes, whether free or otherwise, shall be deemed and taken to be, so far as respects this corporation, in the township or place where his, her or their master has registered him, her or them, in case he, she or they be slaves, and in the township or place where they were liberated, manumitted and set free, in case he, she or they be free, and that all orders of removal respecting such before described negroes or mulattoes, shall be good and effectual in law, and the overseers of the place or township to which any such negro or mulatto shall be removed, shall be bound and they are hereby required to receive and provide for them, as for other poor of their place or township: *Provided always nevertheless,* That if it shall appear that any such negro or mulatto shall have been liberated, after he or she or they attained the age of twenty-eight years, or has never been legally liberated, manumitted or set free, then and in such case the overseers of the poor to whose place or township any such negroes or mulattoes shall be removed, shall and may recover from the master or mistress of any such negro or mulatto, his or her heirs, executors or administrators having assets, all the costs and charges arising from relieving and removing the said negro or mulatto.

If set free after attaining the age of 28 years, to be maintained by the former master or mistress.

mulatto, and the said master or mistress, his or her heirs, executors or administrators, having assets, shall give security for the future maintenance of such negro or mulatto.

Sec. 29. *And be it further enacted by the authority aforesaid*, That the father and grandfather, and the mother and grandmother, and the children and grandchildren of every poor, old, blind, lame and impotent person, or other poor person within the said city, district and township, not able to work, being of sufficient ability, shall at their own charges, relieve and maintain every such poor person as the mayor's court for the city, or the court of quarter sessions for the county where such poor persons reside, shall order and direct, on pain of forfeiting seven dollars for every month they shall fail therein.

The father & grandfather, &c. of poor impotent persons, being of sufficient ability, to maintain them, &c.

Sec. 30. And whereas it sometimes happens that men separate themselves without reasonable cause from their wives, and desert their children and women, also desert their children, leaving them a charge on the said city, district and township, although such persons may have estates which should contribute to the maintenance of such wives or children: *Be it therefore enacted by the authority aforesaid*, That it shall and may be lawful for the guardians of the poor in the said city, district and township, having first obtained a warrant or order from two aldermen of the said city, or from two of the justices of the peace of the county residing in the said district or township, where such wife or children shall be so left or neglected, to take and seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of

Where father or mother desert their children, leaving them chargable, how they are to be provided for, &c.

such husband, father or mother, as such two aldermen or justices shall order and direct, for providing for such wife, and for maintaining and bringing up such child or children, which warrant or order being confirmed at the next mayor's court for the city, or quarter sessions for the county, it shall and may be lawful for the said court there to make an order for the guardians of the poor, to dispose of such goods and chattels by sale or otherwise, or so much of them, for the purposes aforesaid, as the court shall think fit, to receive the rents and profits, or so much of them, as shall be ordered by the said court, of his or her lands and tenements, for the purposes aforesaid; and if no real or personal estate of such husband, father or mother can be found, wherewith provision may be made as aforesaid, it shall and may be lawful to and for the said court to order the payment of such sums, as they shall think reasonable, for the maintenance of any wife or children so neglected, and commit such husband, father or mother to the common jail, there to remain until he or she comply with the said order, give security for the performance thereof, or be otherwise discharged by the said court; and on complaint made to any alderman of the city of Philadelphia, or to any justice of the peace residing in the district of Southwark or township of the Northern Liberties, of any wife or children there being so neglected, such aldermen or justice shall take security from the husband, father or mother neglecting as aforesaid, for his or her appearance at the next mayor's court, or court of quarter sessions, there to abide the determination of the said court, and for want of security to commit such persons.

Sec. 31.

Sec. 31. *And be it further enacted by the au-* Fines, &c. accruing by virtue of this act, how to be recovered:
thority aforesaid, That the several fines, forfeitures and penalties, sum and sums of money imposed or directed to be paid by this act, and not herein otherwise directed to be recovered, the same and every of them shall be levied and recovered by distress and sale of the goods and chattels of the delinquent or offender, by warrant under the hand and seal of one of the aldermen of the city of Philadelphia, for the said city, and under the hand and seal of any one justice of the peace residing in the said district or township, where the delinquent or offender dwells or is to be found, and after satisfaction made of the respective forfeitures, fines, penalties and sums of money directed to be levied by such warrant as aforesaid, together with such legal charges as shall become due on the recovery thereof, the overplus if any, to be returned to the owner or owners of such goods and chattels, his or her executors or administrators: *Provided always*, That if any person or persons shall find him or themselves aggrieved, with any judgment of the aldermen of the said city, or justices of the peace aforesaid in pursuance of this act, such person or persons may appeal to the next mayor's court or the city, or court of quarter sessions for the county of Philadelphia, where sentence was given, (except in cases of removal, and cases of poor persons becoming chargeable in one place who are legally settled in another, as is otherwise provided for by this act) whose decision in all such cases shall be conclusive. Persons aggrieved may appeal, &c.

Sec. 32. *And be it further enacted by the au-* The managers empowered to
thority aforesaid, That the managers for the time

make bye-laws &c. for the government of the paupers, &c.

time being or a majority of them, shall from time to time, make and ordain rules, bye-laws and regulations for the government of all the paupers of every description, residing in the alms-house and house of employment, which rules, bye-laws and regulations having first received the approbation of the chief justice and attorney-general for the time being, shall be enforced and carried into effect by the managers for the time being or a majority of them: *Provided*, That such rules, bye-laws and regulations be not inconsistent with the constitution and laws of this state, or of the United States.

Guardians or overseers sued for any thing done by direction of this act, may plead the general issue, &c.

Sec. 33. *And be it further enacted by the authority aforesaid*, That if any action shall be brought against any guardian or overseer of the poor or other person, who in aid of either and by his command shall do any thing concerning his office under this act, he may plead the general issue, and give this act and the special matter in evidence, and if the plaintiff shall fail in his action, discontinue the same or become nonsuit, he shall pay double costs.

Auditors to be annually appointed, who shall audit and settle the accounts of the treasurer &c.

Sec. 34. *And be it further enacted by the authority aforesaid*, That the mayor's court of the city of Philadelphia, at their first session in every year, shall appoint one citizen resident within the said city, and the court of quarter sessions for the county of Philadelphia, at their first session in every year, shall appoint two citizens, one of whom shall reside in the township of the Northern Liberties, and the other in the district of Southwark, which three citizens jointly shall audit and settle the accounts of the treasurer, the board of guardians and managers respectively, and shall

also inspect the books and papers of the said corporation, and publish a true and perfect statement of all their receipts, whether in taxes, donations, legacies or otherwise, including a statement of the amount of the taxes levied in each and every year, together with all and every the expenditures of said corporation, in two public newspapers printed in the city of Philadelphia, for the space of three days at least.

Sec. 35. *And be it further enacted by the authority aforesaid*, That the present board of managers shall constitute a lawful body until the fourth Monday in May next, and until a new board shall be organised under this act, and no longer, and thing contained in this act to the contrary in any wise notwithstanding.

The present board of managers to act till the 4th Monday in May next, &c.

Sec. 36. *And be it further enacted by the authority aforesaid*, That all laws heretofore passed relating to the poor of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties, be, and the same are hereby repealed.

Repealing clause.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-ninth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CLVI.

An ACT *to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That immediately after the passing of this act, there shall be established a board of wardens for the port of Philadelphia, to consist of one master warden and six assistant wardens, four of whom shall be inhabitants of the city of Philadelphia, one of the Northern Liberties, and one of the district of Southwark, to be yearly appointed by the Governor of the commonwealth, and the said master warden and assistant wardens and their successors, shall have full power and authority to have and use one common seal, with such device as they may think proper, and the same to break, alter and renew at their pleasure.

A board of wardens established for the port of Philadelphia, their number, and how to be appointed,

to have one common seal, &c.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said wardens shall employ a clerk, who shall keep fair minutes and entries of all orders, regulations and transactions of the said master warden and board of wardens, in a book or books to be kept for that purpose, and the said minutes and entries shall be public, and submitted to the inspection of any person or persons who shall desire to see and peruse the same, he or they so desiring the inspection paying to the clerk twelve cents, each time the books shall be opened and examined, and the

To appoint a clerk who shall keep fair minutes of the proceedings which shall be subject to public inspection, &c.

e said clerk shall give true copies of all such tries or minutes made in the said book or oks, as may be required, to such person or rsons as shall demand the same, he or they ying to the said clerk, one cent for each line e said copy shall contain, consisting of not s than twelve words.

Sec. 3. *And be it further enacted by the au-rity aforesaid*, That the said master warden, in case of his sickness or necessary absence, me one of the said wardens to be chosen by emselves, shall attend every day at the said ice (Sundays excepted) from ten of the clock the forenoon, till one of the clock in the af-rnoon, for the dispatch of such business as may necessary in pursuance of this act, and the rson so chosen shall, during the time of such kness or necessary absence, be vested with e like powers and authorities to do and per-m the same duties, and receive the same mpensation, as the said master warden would ve been entitled to.

The master warden, &c. to attend daily at the office for the dispatch of business, &c.

Sec. 4. *And be it further enacted by the au-rity aforesaid*, That there shall be a meeting the said wardens on the first Monday in every onth, and at such other times as the master rden may appoint; and the said wardens, ree of whom shall be a quorum, when met, all have full power and authority under the nitations herein after prescribed, to grant li-nces to persons to act as pilots in the bay and er Delaware, and to make rules for their go-rnment while employed in that service, to ide all differences which may arise between sters, owners and consignees of ships or ves-s and pilots, except in cases herein after ex-pted, to direct the mooring of ships and ves-sels

Meetings of the wardens, and their powers at such meetings.

sels in the harbour, and the order in which they shall lay, load or unload at the wharves, and make, ordain and publish, such rules and regulations, and with such penalties for the breach thereof in respect of the matters aforesaid, as they shall deem fitting and proper: *Provided*, That such rules and regulations shall not be contrary to the constitution and laws of the United States or of this commonwealth: *Provided also*, That if any person whomsoever shall conceive himself aggrieved, by any decision or penalty made, given and imposed by the said wardens, such person may, except in cases herein after excepted, within six days, appeal therefrom to the court of common pleas of the county of Philadelphia, and on such appeal the like security shall be entered, and the like proceedings had, as in the case of an appeal from the judgment of a justice of the peace, for a debt or demand not exceeding ten pounds.

Their regulations not to be contrary to the constitution & laws of the U. S. or of this state: Persons feeling themselves aggrieved may appeal, &c.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the wardens for the port of Philadelphia, be and they are hereby exempted from serving as jurymen, in the courts of the commonwealth.

The wardens exempted from serving as jurymen.

Sec. 6. *And be it further enacted by the authority aforesaid*, That in case the master warden, or any of the assistant wardens shall die, neglect, refuse or become incapable to perform the duties enjoined and required by this act, the Governor of this commonwealth shall appoint some other discreet or skilful person, to perform the duties herein enjoined and required.

The Governor to appoint others instead of such as may die, refuse to serve, &c.

Sec. 7. *And be it further enacted by the authority aforesaid*, That every warden who shall

Wardens to take an oath of office, &c.

be appointed by virtue of this act, shall before he takes upon himself the exercise of the duties herein required, take an oath or affirmation before one of the judges of the court of common pleas for the county of Philadelphia, that he will well and faithfully to the best of his skill, understanding and judgment, do, execute and discharge the office and duties of a warden of the port of Philadelphia, without favor or partiality according to the laws of this commonwealth.

How deficiencies for expences in conducting the business of the warden's office are to be supplied:

Sec. 8. *And be it further enacted by the authority aforesaid,* That if upon the settlement of the accounts relative to the said warden's office, and the expences necessarily incurred in conducting the business thereof, agreeably to the provision of this act, which accounts the said master warden is hereby enjoined to exhibit quarterly to the register-general, to be settled as is by law directed with respect to other public accounts, it should appear that the monies paid into the hands of the said master warden as aforesaid, have been insufficient to defray the said expences, it shall and may be lawful for the Governor to draw a warrant or warrants upon the state treasurer, for the amount of such deficiency: *Provided,* The same shall not in any one year exceed the sum of eight hundred dollars, which shall be paid out of the funds appropriated for the support of government.

But not to exceed $ 800 in any one year.

Compensation of the master warden and clerk,

Sec. 9. *And be it further enacted by the authority aforesaid,* That the compensation to be paid to the master warden for the time being, shall be two dollars and fifty cents for every day he shall necessarily attend at the warden's office, and the clerk of the board of wardens

shall receive a salary of five hundred dollars per annum, payable quarterly, and no more; and for the more convenient transaction of business at the said office, it shall be the duty of the said clerk to attend on the Saturday of every week at the office of the said wardens, from nine of the clock in the forenoon until one in the afternoon, and from two in the afternoon until sunset, and on every other day of the week (Sundays excepted) from nine of the clock in the forenoon until three in the afternoon.

and times of attendance of said clerk at the warden's office.

Sec. 10. *And be it further enacted by the authority aforesaid*, That if any person or persons shall think himself or themselves aggrieved, by any order or sentence made by the master warden for the time being, it shall and may be lawful for such person or persons to appeal therefrom to the board of wardens, on giving bond to the master warden with one sufficient surety, in any sum not exceeding one hundred dollars, to abide and perform the final determination of the board thereon, of the sufficiency of such security the master warden shall judge and determine, which bond shall be executed and tendered within twenty-four hours after notice of such order or sentence, and the party appellant shall prosecute such appeal with effect, before the board at their next meeting, otherwise their appeal shall be dismissed, unless a satisfactory cause for a further continuance be shewn to the board, and if either of the parties shall require it and the master warden for the time being shall think it proper, a special meeting of the board shall be called for the hearing such appeal, as early as convenient may be, and if upon such hearing either

Appeal allowed from the master warden to the board of wardens, &c.

either at a stated or special meeting, the original order or sentence shall be affirmed, the board shall award such reasonable costs, to be paid by the appellant as they shall adjudge to be adequate to the expences occasioned by the appeal, including the established pay of the master warden and the clerk, for so long time as they shall have attended on the said business.

Within what time wharves, &c. for which licences have been obtained are to be erected.

Sec. 11. *And be it further enacted by the authority aforesaid,* That in all cases where any licence has been or shall be given by the board of wardens of the port of Philadelphia, to erect any wharf or building of the nature of a wharf, beyond low water-mark of the river Delaware, the person to whom such licence has been or shall be so granted, shall within six months after the passing of this act or the date of the said licence, erect such wharf or building, otherwise the said licence shall be of no effect.

Penalty for obstructing the passage over wharves, &c.

Sec. 12. *And be it further enacted by the authority aforesaid,* That if any person shall hereafter erect, make or fix, or cause to be erected, made or fixed, on any wharf within the city of Philadelphia, any building, inclosure or other obstruction, whereby a free passage over and along the same shall be impeded or prevented, every such person shall forfeit and pay for every such offence, any sum not exceeding one hundred dollars, to be recovered in the same manner and for the same uses as is directed in and by the thirty-sixth section of this act, and the said wardens shall cause such building, inclosure or obstruction to be abated or removed, if the owner or occupier of any such wharf shall neglect or refuse to abate

abate or remove the same, on three days notice from the said board of wardens: *Provided always nevertheless*, That nothing herein before contained, shall be taken or construed in any wise to prevent any such owner or occupier from depositing, during a reasonable time, on any such wharf, goods, wares and merchandise, unladen from or about to be shipped on board of any ship or vessel, or for the purpose of being stored, always allowing a sufficient passage for carts, waggons and drays, nor in any wise to hinder any person otherwise entitled so to do, from erecting any building or inclosure on any part of such wharf, lying to the westward of low water-mark or tide-way of the river Delaware.

But not to extend to the depositing of goods, &c. to be shipped, provided a sufficient passage be left for carts, drays, &c.

Sec. 13. *And be it further enacted by the authority aforesaid*, That when and so often as any person shall be desirous to extend any wharf, or other building of the nature of a wharf, or cause any such wharf or building to be made in the tide-way of the river Delaware, from any part of the city or liberties of Philadelphia, such person shall make application to the board of wardens, at any of their monthly meetings aforesaid, stating in writing the nature, extent and plan of such intended wharf or building, and produce their deed or deeds for said lot or lots, and if it shall appear to the board of wardens or a majority of them, that such plan and design may be lawfully executed, and that the same will not improperly encroach upon or injure the said channel or harbour, the board of wardens at any of their stated monthly meetings, or when especially convened in manner aforesaid, shall give their assent and licence for erecting, extending or making such wharf or building,

Proceedings where any person is desirous of extending wharves, &c.

building, and cause the same to be recorded in their office; but if the said board of wardens shall deem it improper to give such assent and licence, and the party applying shall think himself aggrieved by their resolutions, he may make such application to the court of common pleas for the county of Philadelphia, who shall order a jury of twelve suitable men, who under oath or affirmation shall view the premises, and make report to the said wardens of their decision, which shall be final and conclusive, a copy of which verdict shall be recorded in the court of common pleas; and if any person or persons after the publication of this act, shall make or extend any wharf or building as aforesaid, within the city or liberties of Philadelphia, into the river Delaware beyond low water-mark, without licence first had and obtained from the wardens aforesaid, or in case of their refusal of the court of common pleas aforesaid, he, she or they shall upon conviction thereof, forfeit and pay to the said board of wardens the sum of four thousand dollars, to be by them recovered and applied in such manner as other fines, forfeitures or sums of money by the thirty-sixth section of this act, made payable to them, are directed to be recovered and applied, and likewise to be compelled by the board of wardens to remove such wharf, if it is extended so far as to injure other wharves near it or to obstruct the channel.

and penalty for such extension without first obtaining a licence from the wardens, &c.

Sec. 14. *And be it further enacted by the authority aforesaid*, That no ship or vessel which by the law of the United States may be subject to the duties of tonnage, shall be permitted to moor at, or otherwise occupy any wharf within the city or liberties of Philadelphia, without leave first had and obtained from the owner

Vessels of the U. S. not to moor at any wharf without owner's consent;

or

Proviso in case such consent is refused.

or possessor thereof: *Provided always*, That if such leave be duly applied for by the owner, agent, master or other person having charge of any such ship or vessel, and refused by the owner or possessor of any wharf within the limits afore-said, being vacant in the whole or in such part as may reasonably accommodate the ship or vessel so applied for, and such vacancies shall not be occupied by some ship or vessel, in which the owner or possessor of the wharf hath an immediate interest, for twenty-four hours after such application and refusal, it shall then and in such case be lawful for the ship or vessel first applied for, to be moored at and occupy such wharf or part thereof, for so long time as shall be requsite for the dispatch of her business, subject nevertheless to the controul and direction of the master warden for the time being.

Penalty for burning or breaming vessels at or near any wharf between South and Vine-streets.

Sec. 15. *And be it further enacted by the authority aforesaid*, That if any person or persons whosoever, shall from and after the passing of this act, burn or bream, or cause to be burned or breamed, any ship or vessel or any part thereof, at or near any wharf or wharves between South and Vine-streets in the said city, he or they so offending, for every such offence, shall forfeit and pay to the said master warden the sum of one hundred and fifty dollars, to be by him recovered and appropriated as other forfeitures herein mentioned, are to be recovered and appropriated by the thirty-sixth section of this act.

The Governor to appoint a harbour master.

Sec. 16. *And be it further enacted by the authority aforesaid*, That the Governor shall appoint and commission a person of good character and competent skill, to be harbour master of

of the port of Philadelphia, and liable to be removed when he shall think proper, and the said harbour master having first taken an oath or affirmation, and given bond with two sufficient sureties to be approved by the Governor, in the sum of four thousand dollars, faithfully and impartially to perform the duties of his office, shall have authority and he is hereby required to enforce and superintend the execution of all laws of the commonwealth, and of all bye-laws, rules and regulations of the corporation of the city, or of the wardens of the port of Philadelphia, enacted, ordained and declared, or hereafter to be ordained, enacted and declared, for cleaning the docks and wharves of the port of Philadelphia, for preventing all nuisances at the wharves and in the docks aforesaid, by burning or breaming any ships or vessels or otherwise howsoever, for regulating and stationing all ships or vessels in the stream of the river Delaware, or at the wharves within the boundaries of the city of Philadelphia, for removing from time to time, ships and vessels in order to accommodate and make room for others, or for admitting the river craft to pass in and out of the docks, and for compelling the masters and captains of ships and vessels to accommodate each other, so that ships and vessels arriving from sea shall for a reasonable time, not exceeding six days, be entitled to births next to the wharves, until they have landed their cargoes, and for that purpose such ships or vessels as are lading, shall be removed and take in their cargoes over and acrofs the decks of the ships or vessels lying nearest to the wharves; for directing the paying of ships and vessels when applied to for that purpose, between the north boundary of the city and Peg's run in the Northern Liberties, and the south boundary of

who shall take an oath or affirmation . . and give bond, &c. for the faithful performance of his duty,

his powers, &c.

of the city and Catharine-street in the distri
Southwark; and if any master or captain o
penalty on masters or captains neglecting to comply with his directions or obstructing him in the execution of his duties; ship or vessel, shall refuse or neglect to co
with the directions of said harbour maste
matters within the jurisdiction of his offic
if any person whosoever, shall obstruct or
vent the said harbour master in the exec
of his duties, such master, captain or
person shall for each and every such off
severally forfeit and pay any sum not exce
one hundred dollars, to be recovered an
propriated as other forfeitures herein me
ed, are recovered and appropriated by the t
sixth section of this act; and the said ha
He may appoint a deputy &c. master shall have authority to appoint and em
a deputy or deputies, to assist him in the e
tion of his office, and he shall in full comp
compensation of the harbour master. tion for his services be entitled to have,
ver and receive from the master, captain,
er or consignee of each and every ship or v
arriving at the port of Philadelphia, co
vessels not exceeding the burden of seven
tons excepted, the sum of one dollar for
and every voyage by such ship or vessel
formed, and no more.

Sec. 17. *And be it further enacted by th
thority aforesaid*, That every person exerc
Pilots to apply to the board of wardens for licences, &c. the profession of a pilot in the bay or
Delaware, shall within three months after
passing of this act, apply in person to
board of wardens for the port of Philade
for a licence to entitle him to follow tha
cupation, and that it shall be the duty
least three of the said wardens, to exa
every person so applying, as to his fitness i
respects to perform the duties of a pilot,
to grant licence to all such as they shall
qualified according to their respective

ties; those of the first class to persons capable of piloting ships or vessels of any practicable draught of water, those of the second class to persons capable of piloting ships or vessels drawing twelve feet water or under, those of the third class to persons capable of piloting ships or vessels drawing nine feet or under; which licences shall be in force for one year from the date thereof, and until the pilots respectively shall next after the expiration of the year, arrive with any ship or vessel at the port of Philadelphia, and no longer; but every pilot delivering up his licence shall be entitled to receive a new one in lieu thereof, giving like security as herein after directed, unless it shall appear to the said wardens that the person applying is disqualified from exercising the duties of a pilot; and if any person shall after the time herein prescribed for taking out licences, exercise the profession of a pilot in the bay or river Delaware without such licence, or at any time after his licence shall have expired, he shall forfeit for every vessel which he shall undertake to pilot to or from the port of Philadelphia, the sum of thirty dollars, together with the pilotage to which he would be otherwise entitled, one half to the use of the persons who shall sue for the same, and the other half for the use of decayed pilots, their widows and children.

duration of the licences; and renewal thereof; penalty for piloting without licence, or after it has expired.

Sec. 18. *And be it further enacted by the authority aforesaid*, That no licence of the first class, shall be granted to any person who at the time of passing this act, shall not be or, within three months previous thereto, have been, a licensed pilot by virtue of the laws of this commonwealth, or who shall not have served a regular apprenticeship of at least six years

Qualifications necessary to entitle pilots to licences;

to a licensed pilot; nor any licence of the second class except to persons already licensed as aforesaid, or such as shall have served an apprenticeship of at least five years in manner aforesaid, nor any licence of the third class except to persons already licensed as aforesaid, or who shall have served an apprenticeship of at least four years in manner aforesaid, and all indentures of apprentices to pilots shall be recorded in the warden's office, for which the master of such apprentice shall pay the sum of twenty-five cents, to be applied towards defraying the contingent expences of the said warden's office; nor shall any licence be granted until the person applying shall have given bond, with one sufficient surety to the Governor of the commonwealth, in any sum not exceeding five hundred dollars, nor less than three hundred dollars, conditioned for the true and faithful performance of the duties and services required by this act, and that they will not be aiding or assisting in defrauding the revenue of the United States, and that they will deliver up the licence to them granted when required by the wardens, in pursuance of the provisions of this act: *Provided*, That no person shall be entitled to a licence as pilot for any branch, without first having under the immediate inspection of his master, or a pilot of the first branch, conducted a square rigged vessel, (at least brig rigged) twice up and twice down the river.

they shall give bond, &c.

condition thereof.

Sec. 19. *And be it further enacted by the authority aforesaid*, That if any person having licence as a pilot, shall for the space of two weeks, refuse or wilfully neglect to execute the duties of a pilot, every such pilot upon due proof thereof shall forfeit his licence; and

Penalty on pilots refusing or neglecting to serve;

if any pilot shall enter into any combina- or combining
, with a view of preventing any other per- to prevent
from executing such duties, every such others;
t being thereof duly convicted, shall forfeit
licence as a pilot for the bay or river De-
are; and if it should so happen that the in case of a
nber of pilots necessary for the port of Phi- scarcity of pi-
ilphia, should be reduced by decease, re- lots, the war-
val or otherwise, as to occasion much in- dens may
venience to the trade of the state, in such grant certifi-
e the wardens of the said port, or any three cates to other
more of them, are hereby empowered, on persons for
h particular occasion as aforesaid, to grant six months.
tificates to such person or persons as they
y find qualified to act as pilots, for the said
ce of six months, subject to be renewed if
asion should require it, and subject to the
e rules, orders and regulations, and liable
the like fines, penalties and forfeitures, as
er pilots who shall be appointed by virtue
this act.

Sec. 20. *And be it further enacted by the au-*
rity aforesaid, That the licences or certifi- Licences here-
es heretofore granted to any pilot or pilots, tofore obtain-
any former board of wardens and not va- ed and securi-
d, shall be of the same force and effect, ties given by
if the said licences or certificates were grant- any pilots to
in pursuance of the directions of this act, be effectual.
all securities given by any pilots and
s on their behalf, shall be and continue
intents and purposes of the same force
effect, as any securities to be taken in
ance of this act may or can be.

c. 21. *And be it further enacted by the au-* The pilot first
y aforesaid, That the pilot who shall offering him-
offer himself to any inward-bound ship self to an in-
ssel, shall be entitled to take charge ward bound
thereof: vessel to take
charge of her;

the seamen of such vessel receive; and if any pilot as aforesaid, not having a boat attending him, shall be carried to sea as aforesaid, he shall be paid one half the wages he would have been entitled to, had a boat been attending.

Compensation to pilots where inward-bound vessels are compelled to proceed to some port or place not in the bay or river Delaware.

Sec. 24. *And be it further enacted by the authority aforesaid*, That when any inward-bound ship or vessel having a pilot on board, shall be prevented by the ice or by any other cause, from proceeding to the port of Philadelphia, and shall be compelled to proceed to some other port or place not in the bay and river Delaware, the pilot shall be entitled to receive and recover from the owner or consignee of such ship or vessel, full pilotage as if he had conducted such ship or vessel to the port of Philadelphia, and shall also receive the sum of eight cents for each and every mile he shall travel to his usual place of abode.

Allowance to pilots detained in vessels while performing quarantine.

Sec. 25. *And be it further enacted by the authority aforesaid*, That there shall be allowed two dollars per day, to every pilot of any ship or vessel compelled to perform quarantine, for every day he may be detained, to be paid by the master, owner or consignee of such ship or vessel, and the pilot of such ship or vessel shall not be discharged in less than six days without his consent.

Fifty cents payable by pilots for a licence.

Sec. 26. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, there shall be paid by every pilot obtaining a licence or branch, to authorise him to act as a pilot for the bay and river Delaware, the sum of fifty cents, to be

be applied for the support of the warden's office.

Sec. 27. *And be it further enacted by the authority aforesaid,* That the compensation to pilots for conducting ships or vessels from the city of Philadelphia to the capes of Delaware, or from the capes of Delaware to the city of Philadelphia, shall be for every half foot of water which any inward-bound vessel shall draw, under and up to twelve feet, the sum of one dollar and thirty-three cents; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and sixty-seven cents; and for every half foot of water which any outward-bound vessel shall draw under and up to twelve feet, the sum of one dollar; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and thirty-three cents; to be paid by the owner or consignee of such ship or vessel; and shall also receive over and above the said sums, for every vessel not being registered within the United States, the sum of two dollars and sixty-seven cents; and shall also receive over and above the said sums for conducting all ships or vessels, to or from the city of Philadelphia forever, between the twentieth day of November and the tenth day of March inclusive, in any year, the additional sum of ten dollars: *Provided,* That no pilot shall have or receive any reward for any supernumerary inches under six, and if any pilot shall be detained by any master, owner or consignee of any vessel, or by the ice, he shall be entitled to receive from the master, owner or consignee of such ship or vessel, the sum of two dollars for every day he shall be so detained. Rates of pilotage prescribed.

Sec. 28.

Compensation to pilots for conducting dismasted or crippled vessels, &c.

Sec. 28. *And be it further enacted by the authority aforesaid*, That the compensation to be paid to pilots for conducting to or from the city of Philadelphia, all dismated or otherwise crippled vessel or vessels, which shall have been in any wise injured, so as to occasion to the said pilots any extraordinary care or trouble, shall not exceed double the amount what they otherwise would have been entitled to, of which the board of wardens shall judge.

All vessels of a certain tonnage bound to receive pilots;

and the captain to make report to the master warden, &c.

Sec. 29. *And be it further enacted by the authority aforesaid*, That every ship or vessel arriving from or bound to any foreign port or place, and every ship or vessel of the burden of seventy-five tons or more, sailing from or bound to any port* not within the river Delaware, shall be obliged to receive a pilot; and it shall be the duty of the master of every such ship or vessel, within thirty-six hours next after the arrival of such ship or vessel at the city of Philadelphia, to make report to the master warden of the name of such ship or vessel, her draught of water, and the name of the pilot who shall have conducted her to the port, and where any such vessel shall be outward-bound, the master of such vessel shall make known to the wardens the name of such vessel, and of the pilot who is to conduct her to the capes, and her draught of water at that time; and it shall be the duty of the wardens to enter every such vessel in a book, to be by them kept for that purpose, without fee or reward; and if the master of any ship or vessel shall neglect to make such report, he shall forfeit and pay the sum of sixty dollars, and if the master of any such ship or vessel shall refuse or neglect to take a pilot, the master, owner or consignee of such vessel, shall forfeit and pay to the wardens aforesaid, a sum

which shall be entered;

penalty on neglect to make such report or take a pilot:

* *Part* in the original.

a sum equal to the half pilotage of such ship or vessel, to the use of the society for the relief of distressed and decayed pilots, their widows and children, to be recovered as pilotage in the manner herein after directed: *Provided always*, That where it shall appear to the wardens, that in case of an inward-bound vessel, a pilot did not offer before she had reached Reedy island, or in case of an outward-bound vessel, that a pilot could not be obtained for twenty-four hours after such vessel was ready to depart, the penalty aforesaid for not having a pilot shall not be incurred.

Proviso if a pilot does not offer.

Sec. 30. *And be it further enacted by the authority aforesaid*, That when any inward-bound ship or vessel having a pilot on board, shall be detained by ice and conducted by him to a place of safety, it shall and may be lawful for the master of any such ship or vessel, after being so detained for forty-eight hours to discharge his pilot, and in such case the pilot shall be entitled to receive and recover full pilotage, as if he had conducted such ship or vessel to the port of Philadelphia, and in case any such pilot shall be detained more that forty-eight hours, his compensation for such detention shall be two dollars per day, for every day he shall be so detained.

Compensation to pilots where vessels are detained by ice and conducted to a place of safety, &c.

Sec. 31. *And be it further enacted by the authority aforesaid*, That if any pilot shall misbehave in the execution of his duty, so that damage shall accrue by reason of his negligence or incapacity, it shall and may be lawful for the person or persons injured or aggrieved, to complain to the wardens, who shall thereupon appoint a time and place of hearing, of which due notice shall be given to such pilot, and upon due proof being made thereof to the wardens, it shall be lawful for them to fine such pilot in

Penalty in case of damage arising from negligence or incapacity of the pilot.

any sum not exceeding the amount of the pilotage of the ship or vessel, to which such damage shall have happened, for the use of decayed pilots, their widows and children, or to suspend such pilot for any term which the wardens may, think proper, and in every case of suspension the pilot shall deliver up his licence to the wardens, to be by them kept till the time for which he may have been suspended shall have expired: *Provided always*, That nothing herein contained shall be so construed, as to prevent the owner or consignee of any vessel, or any other person or persons from recovering his or their damages in any court having jurisdiction of the same.

How pilots are to proceed to recover their pilotage.

Sec. 32. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful, upon complaint made by any pilot, to the mayor or any alderman in the city of Philadelphia, or to any justice of the peace in any county within this commonwealth, and they are hereby respectively empowered and required to issue forth a precept in writing, under hand and seal in the nature of a summons, capias or attachment, as the case may require, directed to any constable, commanding him to bring or cause to come before such mayor, alderman or justice, any person or persons against whom such complaint shall be made, respecting any demand on masters of vessels, owners, consignees or others, respecting pilotage or other claims as pilots, and thereupon proceed to hear the proofs and allegations of the said parties, or such of them as shall appear, and to determine and pass judgment thereon, where the same shall not exceed the sum of twenty-six dollars and sixty-seven cents, in like manner as debts not exceeding ten pounds, are

by

the laws of this commonwealth recoverable, l subject to the like appeal, security, trial l costs, and that all such claim or demand a sum or sums of money exceeding twenty- dollars and sixty-seven cents, shall be sued and recovered with costs of suit by action of ɔt, case, bill, plaint or information, in any ırt of record within this state.

Sec. 33. *And be it further enacted by the au-rity aforesaid*, That every pilot, who shall ot any ship or vessel to the port of Philadel- ia, shall within forty-eight hours next after r arrival at the said port, make report thereof the warden's office, specifying the name ofthe ıster and vessel, and to the best of his infor- ıtion the number of persons on board such ssel; and if any pilot shall neglect or refuse to do, or knowingly make a false report, he ıll forfeit and pay for every such offence the m of twelve dollars, for the use of decayed ɔts, their widows and children, to be reco- ɔed as other fines and forfeitures are by this recoverable.

Pilots to report the arrival of vessels;

penalty on neglect or refusal so to do.

Sec. 34. *And be it further enacted by the au-rity aforesaid*, That if any pilot endeavour- to assist or relieve any ship or vessel in dis- s, shall suffer loss or damage in his boat, sails, tackle, rigging or appurtenances, the er, owner or consignee of such ship or ves- shall be liable to pay to such pilot the e of such loss or damage, to be ascertained he board of wardens, as to them shall ap- just.

Pilots suffering any damage in his boat, &c. whilst endeavouring to relieve vessels in distress how to be reimbursed.

ec. 35. *And be it further enacted by the au-ty aforesaid*, That whenever any person persons whosoever, shall take or cause to

Persons taking up anchors or cables within the bay of

river Delaware, how to proceed;

to be taken up, within the bay or river Delaware, any anchor or cable, he or they shall bring the same to the port of Philadelphia, and immediately file a written notice thereof in the office of the wardens of the said port, stating the time when, and the place where such anchor or cable was taken up, and shall also cause a copy of such notice forthwith to be inserted in one of the English newspapers of the city of Philadelphia, and continued therein twice a week for the space of two months, unless the owner or owners thereof, his or their agent or agents, shall before the expiration of the said period, file a claim in writing in the said office, to such anchor or cable, and if upon the filing of such claim, sufficient proof of the property of such claimant be made within a reasonable time, to the satisfaction of the board of wardens, every anchor or cable so taken up and claimed as aforesaid, shall be restored to its proper owner or owners, his or their agent or agents; he or they paying to the person or persons so taking up and bringing the same to the said port, one half of the value thereof, if taken up between the northermost part of Reedy island and the capes of Delaware, and one third of the value thereof, if taken up between the northermost part of said island and the port of Philadelphia; which valuation shall be made by two persons, respectively to be chosen by the parties, who in case of disagreement shall appoint a third, whose decision shall be final; but if no claim shall be so filed within the period aforesaid, the anchor or cable so taken up and brought to the said port, shall be vested in and become the property of the person or persons who may have taken up the same; and if any person or persons who shall have

such anchors or cables to be restored to the owners on proof of property;

allowance to the persons taking them up;

how to be ascertained;

no owner appearing the article to become the property of the person recovering it;

penalty on such persons

have so taken up any anchor or cable, neglect or refuse to observe or comply with the directions above mentioned, he or they shall forfeit and pay for every such offence, the sum of fifty dollars, to be sued for, recovered and applied for the use of decayed pilots, their widows and children, by the master warden of the said port: *Provided always*, That if the fine or penalty aforesaid, shall be recovered from any person other than a pilot, the money so recovered shall go to the board of wardens, to defray the contingent expences of said board.

neglecting to comply with the foregoing directions.

Sec. 36. *And be it further enacted by the authority aforesaid*, That all forfeitures, penalties, sum or sums of money in this act mentioned, or accruing by virtue thereof, and not otherwise directed and appropriated, shall be payable, sued for, recovered and applied in manner and form following; that is to say, all the said forfeitures, penalties, sum and sums of money, in and by this act made payable to the master warden for the time being, shall be sued for and recovered by the said master warden, with costs of suit, before the mayor or any alderman of the city of Philadelphia, or before any justice of the peace of the county of Philadelphia, or any other county in this state, where the same shall not exceed the sum of twenty-six dollars and sixty-seven cents, in like manner as other debts under ten pounds are by the laws of this commonwealth recoverable, and subject to the like appeal, security, trial and costs, and that all such forfeitures, penalties, sum and sums of money, as shall amount to more than twenty-six dollars and sixty-seven cents, shall be sued for and recovered with costs of suit,

Forfeitures & penalties under this act how recoverable;

by

it is hereby enacted by the authority of the same.

Mode of proceeding to recover the office fees due on patents & warrants remaining in the office of the secretary of the land-office.

That the secretary of the land-office shall from time to time hereafter, make out a list of all the warrants and patents in his office, which shall have been completed and lying in his office for the term of six months, with the amount of office fees due and unpaid thereon, and advertise the same in one of the public newspapers printed in the city of Philadelphia, Lancaster, Northumberland and Pittsburgh, at least three weeks, calling on the owner or owners thereof respectively, and also the actual owner and owners, and possessor or possessors of said land, to come forward within three months after the same shall have been so as aforesaid advertised, and pay and discharge the office fees thereon due to the state, and if the said owner or owners as aforesaid, or possessor or possessors of the said land, shall refuse or neglect to pay and discharge the respective fees so as aforesaid due and unpaid, within the time limited and appointed as aforesaid, it shall be the duty of the said secretary of the land-office, to forward a certified schedule of all and every of the said warrants and patents, with the respective fees due thereon, to the attorney-general of the said commonwealth, who shall thereupon institute suits at law against the several owners, as aforesaid or possessor or possessors of said land in the name of the commonwealth, for the recovery of the said office fees, and if it shall appear that any or either of the said owner or owners as aforesaid, cannot be found within the said commonwealth, or that there is no person or persons in the possession of the said land, then it shall be the duty of the said attorney-general, to proceed by leaving a summons nailed up in some public place on or near the premises ten days before the return day

day thereof, and if upon the return of the service of the summons as aforesaid, the owner or owners as aforesaid, or other persons actually possessing the land shall not appear and answer to the suit, judgement shall be rendered for the amount of the fees due thereon as of default, and he shall thereupon proceed to sell at public sale, all or any part or parts of the said land, or so much thereof as may be necessary to pay the said office fees thereon due, together with all the expences of advertising and costs of prosecution.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-ninth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLVIII.

A SUPPLEMENT *to the act, entitled "An "act for the relief of the estate of Sarah "Caldwell."*

WHEREAS the legislature by an act passed the twenty-ninth day of March, one thousand eight hundred and two, did authorise the state treasurer for the time being, to transfer, or cause to be transferred, the capital amount of certain United States certifi-

cates, held by the state, in trust, for the representatives of Sarah Caldwell, to Thomas Leiper, as administrator of said estate: And whereas doubts are entertained, whether the said treasurer is by the said act authorised to pay over to the said Thomas Leiper, the administrator as aforesaid, the amount of the principal received by the state from the United States, upon the certificates held by the state, in trust as aforesaid: Wherefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer for the time being, shall if so required, pay or cause to be paid to Thomas Leiper, as administrator of the estate of Sarah Caldwell, all such instalments of principal as have been received by the state, from the United States, upon the stock subscribed and held in trust for the representatives of Sarah Caldwell as aforesaid.

The state treasurer empowered to pay to the administrator of S. Caldwell, deceased, the principal received by the state from the U. S. on certain certificates being part of her estate.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the twenty-ninth, 1805:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CLIX.

An ACT *enabling certain trustees to sell and dispose of the real estate of David Hayes, a lunatic.*

WHEREAS it appears by the proceedings had in the court of common pleas of the county of Chester, that a certain David Hayes, of the said county, has been adjudged a lunatic, and that Caleb Swayne, Samuel Swayne, junior, and Thomas Chalfant, were by said court appointed trustees to take care of the person and estate of the said David Hayes: And whereas the said trustees, together with sundry relations and neighbors of the said lunatic, have represented to the legislature that his real estate is in want of repairs, and consequently unproductive, that if repaired it would not rent for a sum sufficient to maintain the said lunatic, and repay the interest of the monies which must necessarily be borrowed to make the said repairs, and that it would be more for the interest of the said lunatic and his heirs, that the said estate should be sold: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Caleb Swayne, Samuel Swayne, junior, and Thomas Chalfant, or a majority of them, to sell and convey to any person or persons willing to purchase the same, all the real estate of David Hayes a lunatic, or such part or parts thereof

Caleb Swayne and others empowered to sell the real estate of D. Hayes, a lunatic, or so much thereof as may be necessary for his maintainance;

thereof, as to them may appear proper and necessary, for the maintainance and support of the said lunatic, and to enable them to provide for his subsistance and cloathing, and make the purchaser such deeds or other assurances, as will assure and convey to the said purchaser or purchasers, all the right, title and interest which the said lunatic hath in such real estate: *Provided*, That the said Caleb Swayne, Samuel Swayne, junior, and Thomas Chalfant, or a majority of them, shall before they proceed to sell or convey the whole, or any part of the estate of David Hayes, enter into recognizance with sufficient security, before the court of common pleas of Chester county, where said estate lies, that all the money arising from the sales authorised by this act, shall after paying the debts, be so disposed of by them, as will be most for the interest of the said David Hayes, and his heirs.

to give security for the due application of the money.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the thirtieth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CLX.

A SUPPLEMENT *to the act, entitled "An "act to prevent the exportation of bad or "unmerchantable staves, heading, boards and "timber."*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That no staves shall be deemed as merchantable and fit for exportation, which are not three inches wide, and otherwise conformable to the act to which this is a supplement.

What staves shall be deemed merchantable.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the thirtieth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXI.

An ACT *to erect certain parts of Westmoreland and Lycoming counties, into a separate county.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly*

sembly met, and it is hereby enacted by the authority of the same, That those parts of the counties of Westmoreland and Lycoming, included within the following boundaries, viz. Beginning at the corner of Armstrong county on the Kiskiminetas river; thence up said river to the mouth of Conomauch river; thence up said river to the line of Somerset county; thence a straight line to the Canoe-place on the west branch of Susquehanna; thence a north course along Potter's district line twelve miles; thence a due west course to Armstrong county line; thence along said line to the place of beginning; be and the same is hereby erected into a separate county, to be henceforth called Indiana county, and the place of holding the courts of justice in and for said county, shall be fixed by the legislature, at any place at a distance not greater than four miles from the centre of the said county, which may be most beneficial and convenient for said county; and the Governor is hereby empowered and required to appoint three commissioners, any two of whom shall run, ascertain and plainly mark, so much of the boundary lines of the county of Indiana as is herein after described, before the first day of October next; beginning on the line of Somerset county on the Conomauch river, from thence to the Canoe-place on the west branch of Susquehanna river, and from thence to Armstrong county line; and the commissioners shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monies which shall be raised for the uses of the said county of Indiana.

Certain parts of Westmoreland and Lycoming counties erected into a new county.

Its boundaries;

to be called Indiana county;

the seat of justice how & where to be fixed;

the Governor to appoint commissioners to run and mark the boundary lines &c.

their compensation for said service.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners

The commissioners also to ascertain the

to

be appointed by the Governor, for the pur- centre of the county of Indiana, &c.
e of running and marking the lines of said
inty of Indiana, shall also ascertain, and
ticularly describe the centre of said county,
l make report, to the trustees herein after
ned, to take proposals for the conveyance of
ds for county uses; and the said commis-
ners shall be allowed a reasonable compen-
on for their services, in ascertaining the cen-
of the said county of Indiana.

Sec. 3. *And be it further enacted by the au-
rity aforesaid*, That for the present conveni- Said county, for the present, annexed to Westmoreland county, &c.
e of the inhabitants of the said county of In-
na, and until an enumeration of the taxable
abitants of the said county shall be made,
it shall be otherwise directed by law, the
l county of Indiana, shall be, and the same
ereby annexed to the county of Westmore-
l, and the jurisdiction of the several courts
he county of Westmoreland, and the au-
rity of the judges thereof, shall extend over,
shall operate and be effectual within said
nty of Indiana.

Sec. 4. *And be it further enacted by the au-
rity aforesaid*, That William Jack, James Trustees appointed,
r and John Pomroy, of Westmoreland
nty, are hereby appointed trustees for the
county of Indiana, with full authority to who may receive proposals for the conveyance of lands for the use of the county.
ive proposals in writing from any person or
ons, or any bodies corporate or politic, for
granting or conveyance of any lands within
said counties respectively, and within the
ts herein before described, for fixing the
e of holding the courts of justice in the
county, and when the place for holding
courts of justice in the said county shall be
l by the legislature, to take assurance in
the

the law, for the lands contained in any such proposals, which shall or may be accepted of, under the same trusts and for the sole use and benefits of the said county.

When the county of Indiana shall be organised.

Sec. 5. *And be it further enacted by the authority aforesaid*, That as soon as it shall appear by an enumeration of the taxable inhabitants within the county of Indiana, that the said county, according to the ratio which shall then be established for apportioning the representation among the several counties of this commonwealth, shall be entitled to a separate representation, provision shall be made by law, apportioning the said representation, and enabling such county to be represented separately, and to hold the courts of justice at such place in the said county, as hereafter may be fixed for holding the same by the legislature, and to choose their county officers, in like manner as the other counties of this commonwealth may or can do.

The commissioners of Westmoreland county to assess & levy county rates, for county purposes, in the county of Indiana, &c.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the commissioners of the county of Westmoreland, shall have power, and they are hereby authorised, to assess and levy county rates and levies, for county uses and purposes, in the county of Indiana, and the said commissioners and treasurer of the county of Westmoreland, shall open an account for the county of Indiana, from which such rates and levies shall be raised and collected, and shall pay out of the monies raised and collected in the county of Indiana, all the expences of assessing, levying and collecting the same therein, together with the expences of running the boundary of said county, and the expences of [illegible]

Further objects to which the assessments are to be applied.

normanus

noramus bills, and other costs of prosecution chargeable to the county, which shall be exhibited against persons residing and inhabiting within the said county, and also all rewards for wolf-scalps and animals of prey destroyed in the said county, for which a reward is or shall be given by law, and that the remainder or surplus thereof, shall be applied to and for the use of the county of Indiana, and that all the county taxes which have been or shall be assessed for the current year, by the commissioners of Westmoreland and Lycoming counties, shall be and remain for the use of the county, in which such sum is or shall be assessed.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the thirtieth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXII.

An ACT *granting to Peter Smith and Elizabeth his wife, the donation land to which Nicholas Ungerman, a soldier in the fourth Pennsylvania regiment, was by law entitled.*

WHEREAS it appears to the legislature that Nicholas Ungerman, late a sergeant in captain John Mearse's company, be-

longing to the fourth Pennsylvania regiment, commanded by colonel William Butler, on or about the month of September, in the year of our Lord, one thousand seven hundred and seventy-nine, was killed by the Indians in the expedition commanded by general Sullivan, and that the said Nicholas Ungerman had no relatives in this country other than his now aged mother Elizabeth, who during the infancy of the said deceased, intermarried with Peter Smith, now of Northumberland county, with whom the said Nicholas lived until the time of his enlistment in the company aforesaid: And whereas the said Peter Smith, by his petition, hath requested that the donation land to which his said step-son Nicholas was by law entitled, may be granted in fee to him the said Peter and Elizabeth his wife: And whereas it appears reasonable to extend to the aged and indigent mother and step-father of the said Nicholas, those favors due to him which his death in defence of his country prevented him from enjoying: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the donation land to which the said Nicholas Ungerman was entitled by virtue of any law or laws of this commonwealth, made in this behalf for the benefit of the line of this state, in the revolutionary army of the United States, be and the same is hereby granted in fee to the said Peter Smith and Elizabeth his wife, and the proper officers of the land-office are hereby directed and required in due form of law, to issue a patent or patents for the

A grant of donation land to Peter Smith and Elizabeth his wife.

the same to the said Peter Smith and Elizabeth his wife.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXIII.

An ACT *to authorise the commissioners of Northumberland county, to sell and convey in fee simple, a certain lot in the borough of Sunbury.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Flavel Roan, Solomon Markley and David Taggart commissioners of the county of Northumberland, or their successors in office, be and they hereby are authorised and empowered, by public auction to sell and convey in fee simple, the lot numbered thirteen, in the general plan of the town of Sunbury, in the county aforesaid, and the old jail, court-house and all other buildings and improvements thereon erected, together with all and singular the appurtenances thereunto belonging or in any wise appertaining, and to apply the proceeds of such sale to the uses and

The commissioners of Northumberland county empowered to sell by public auction a certain lot, &c. in the town of Sunbury.

application of the proceeds:

and purposes to which county rates and le
Previous notice of the sale to be given.
are applied: *Provided always*, That before such sale shall be made, at least thirty d previous notice thereof shall be given in s newspaper published in the county afores

SIMON SNYDER, *Speaker of the House of Representati*

ROBERT WHITEHILL, *Speak of the Senate.*

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylva*

CHAPTER CLXIV.

An ACT *affording compensation to Ben Alexander, Thomas M'Millan and c for ascertaining the centre of Mercer c*

WHEREAS by an act, entitled "A "to erect certain parts of Alleg "Westmoreland, Washington and Lyco "counties, into separate counties," p the twelfth day of March, one thousand hundred, a certain part of the county o legheny was erected into a county dis called Mercer county, and in and by the section of said act, provision made that place for holding the courts of justice sh be fixed within five miles of the centr said county: And whereas by the act to w this is a supplement, passed the sixth d April, one thousand eight hundred and the Governor was authorised and requ to appoint five commissioners, whose d it should be inter alia, to view and deter

the most eligible and proper situation for
cting the public buildings within the limits
resaid, in said county: And whereas no
vision was made in either of the afore-
l acts, for defraying the expences to be
urred in ascertaining the centre of said
nty, and which has since that period been
ertained by Benjamin Alexander, Thomas
Millan and others, before the said com-
sioners could proceed to make their report,
which services it appears by the petition
the said Alexander and M'Millan they have
received any compensation: Therefore,

Section 1. *Be it enacted by the Senate and
use of Representatives of the Commonwealth
Pennsylvania, in General Assembly met, and
hereby enacted by the authority of the same,*
t the commissioners of the county of
wford, (or any two of them) be and they
hereby authorised and required to adjust
settle the accounts of Benjamin Alexan-
Thomas M'Millan and others, necessa-
employed in ascertaining the centre of the
nty of Mercer, allowing them a reasonable
pensation for their services and expences
ein, to be paid by the treasurer of the coun-
Crawford out of any monies which have
or may be assessed, levied and collected
in the county of Mercer.

Compensation to Benjamin Alexander & others, for ascertaining the centre of Mercer county.

SIMON SNYDER, *Speaker
of the House of Representatives.*

ROBERT WHITEHILL, *Speaker
of the Senate.*

ROVED—April the first, 1803:

THOMAS M'KEAN, *Governor
of the Commonwealth of Pennsylvania.*

CHAP-

and purposes to which county rates and levies are applied: *Provided always*, That before any such sale shall be made, at least thirty days previous notice thereof shall be given in some newspaper published in the county aforesaid.

Previous notice of the sale to be given.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker.*
of the Senate.

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CLXIV.

An ACT *affording compensation to Benjamin Alexander, Thomas M'Millan and others, for ascertaining the centre of Mercer county.*

WHEREAS by an act, entitled "An act "to erect certain parts of Allegheny, "Westmoreland, Washington and Lycoming "counties, into separate counties," passed the twelfth day of March, one thousand eight hundred, a certain part of the county of Allegheny was erected into a county district, called Mercer county, and in and by the third section of said act, provision made that the place for holding the courts of justice should be fixed within five miles of the centre of said county: And whereas by the act to which this is a supplement, passed the sixth day of April, one thousand eight hundred and two, the Governor was authorised and required to appoint five commissioners, whose duty it should be inter alia, to view and determine

on

is commonwealth to erect a dam, from erect-
ig any such dam or dams, that he, she or
ey may think proper: *Provided always,*
hat every such dam be so constructed with
proper slope or slopes, erected in the most
onvenient part thereof, so that rafts may not
e obstructed in passing down the said wa-
rs; which slope shall be at least thirty feet
ide, and be one foot lower than the other
arts of such dam, the surface whereof shall
e made of wood or other materials well
ompacted together, so that none of the water
ay be lost in passing down the same, and
or every foot such slope shall be in heighth
t shall extend fifteen feet down the stream.

Provided the proper slope is made, &c.

dimentions of such slope.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—April the first, 1803:
THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CLXVI.

A further SUPPLEMENT *to the act, entitled "An act to establish the judicial courts of "this Commonwealth."*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and judges

Court of common pleas in

the county of Chester empowered to hold two additional sessions, &c.

judges of the court of common pleas in the county of Chester, shall be authorised and they are hereby required, to hold two additional courts of common pleas in the said county, for trying and arguing civil causes, and for doing and transacting all other business usually done and transacted in the said court, which courts shall continue each one week, and commence respectively on the first Monday in April, and on the third Monday in October annually.

when to commence and how long continue.

Limitation of the act.

Sec. 2. *And be it further enacted by the authority aforesaid*, That this act shall continue in force until the first day of May, Anno Domini, one thousand eight hundred and six.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXVII.

An ACT *changing the appropriation to improve the road from Turtle Creek to Pittsburg.*

WHEREAS the legislature by an act, entitled "An act making provision for opening "and improving a road over the Penn's valley "mountains, in the county of Mifflin, and for "opening

"opening and improving the state road from "Turtle creek to Pittsburgh," passed the eleventh day of April, one thousand seven hundred and ninety-nine, did appropriate one thousand dollars for the purpose of opening and improving that part of the state road that lies between Turtle creek and Pittsburgh, which sum of money has not yet been expended: And whereas it has been represented to the legislature that a good road cannot be made, on the ground on which it was originally laid out, and that improvements are necessary on that part of the road now in use, between the house of Joseph Springer and Pittsburgh: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of one thousand dollars, appropriated by the aforesaid recited act, shall be expended in, and the same is hereby appropriated to the improvement of that part of the road (now in use) from Bedford to Pittsburgh, and situate and extending between the house now occupied by Joseph Springer, in Allegheny county, and Pittsburgh; and to be paid out of the arrearages of state taxes due to the commonwealth from the county of Westmoreland, on a warrant or warrants of the Governor for that purpose drawn on the treasurer of said county, and to be applied to the improvement of said road: *Provided always nevertheless*, That the said treasurer shall not pay the said money before the completion of the work contracted to be done on said road, and that when paid he shall have credit in the settlement of his accounts with the comptroller-general of this commonwealth, on producing the said warrant or warrants,

One thousand dollars heretofore appropriated for a different purpose to be applied in improving that part of the Pittsburgh road which lies between the house of Joseph Springer, in Allegheny county, and Pittsburgh; fund out of which it is to be paid: No money to be paid till the work is completed.

with receipt or receipts for the payment of the same.

The Governor empowered to contract for the improvement of said road.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the Governor be, and he is hereby authorised and empowered, to contract with individuals or with companies, for opening and improving the aforesaid recited road, from the house of Joseph Springer, to Pittsburgh, on or as near the road now occupied as the ground will admit, in such manner as to him shall appear most likely to accomplish the good purposes intended by this act.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXVIII.

An ACT *to provide for reducing and limiting the number of Associate Judges of the courts of common pleas.*

The number of associate judges in the

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, not more than three associate

sociate judges shall be commissioned in any county hereafter to be organised, and if a vacancy shall happen in the office of associate judge in any county within this commonwealth, by death, resignation or otherwise, the number of the judges in the said county where such vacancy shall happen shall be reduced, and there shall be no more than three associate judges in the said county, and the office so become vacant shall henceforth be abolished.

respective counties limited, in future, to three.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXIX.

An ACT *for altering the place of holding elections in the fifth district, in the county of Lancaster.*

WHEREAS it has been represented to the legislature, by petition from the inhabitants of part of Cocalico and Elizabeth townships, which composes the fifth district in the county of Lancaster, that the place of holding their elections is uncentral and inconvenient:

Section

Section 1. *Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the citizens of the fifth district in the county of Lancaster, shall from and after the passing of this act, hold their general elections at the house now occupied by Nathaniel Lightner, in the township of Cocalico in the district aforesaid, any thing to the contrary thereof in any former law notwithstanding.

Place of holding elections in the fifth district, Lancaster county.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the citizens of that part of the township of Warwick, in the county of Lancaster, beginning at the township line at a bridge on Forge creek, where the same intersects or crosses the old Paxton road; thence extending down the said creek to Christian Stauffer's mill; thence along the road leading from said mill to Lancaster, till the same strikes Moravian creek, commonly so called; thence down the said creek to John Pfauts's mill; thence along the road called Pfauts's new Lancaster road to the place where the same intersects the township line; thence along the said line to Conestogoe creek, and up the same and Cocalico and Middle creek; and the said Paxton road, being the township line continued to the first mentioned creek and place of beginning, shall from and after the passing of this act, hold their general elections at the house now occupied by Nathaniel Lightner, in the fifth election district, in the township of Cocalico, in the county aforesaid, any thing to the contrary thereof in any former law notwithstanding.

Where the citizens of a part of Warwick township are to hold their general election.

Sec. 3.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the citizens of that art of the fifth election district in the coun- r of Lancaster, beginning at Miller's tavern nd extending along a public road to Coca- ico creek near Ephrata mill, and from thence lown the said creek to the line of Earl town- hip, shall be annexed to the ninth election listrict, and hold their elections at the house iow occupied by Jacob Stahley, in Reams- town, in the township of Cocalico, any thing to the contrary thereof in any former law notwithstanding.

Part of the fifth annexed to the ninth district,

and place of elections.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXX.

An ACT *authorising the Judges of the court of common pleas of Northampton county, to hold two additional courts annually, in the said county.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the judges of the courts of common pleas in the county of Northampton, shall be authorised and required, to hold two additional courts of common

Two additional courts of common pleas to be held annually in the county of Northampton,

mon pleas in the said county, for trying and arguing civil causes, and for doing and transacting all other business usually done and transacted in the said court, which courts shall continue each one week, and commence respectively on the third Monday in March and on the third Monday in October annually.

times and continuance thereof.

Sec. 2. *And be it further enacted by the authority aforesaid*, That this act shall continue in force until the first day of April, in the year one thousand eight hundred and six.

This act limited to three years.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the first, 1803.

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXXI.

A SUPPLEMENT *to the act, entitled "An act to complete the benevolent intention of the Legislature of this Commonwealth, by distributing the donation lands to all who are entitled thereto."*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the sixth section of the act, entitled "An act to complete the "benevolent intention of the legislature of this "commonwealth, by distributing the do-

The sixth section of a former act continued for one year.

"nation

nation lands to all who are entitled thereto," passed the second day of April, one ousand eight hundred and two, be and the me hereby is extended and continued in full rce for and during the term of one year, and) longer.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXXII.

An ACT *securing to mechanics and others payment for their labor and materials in erecting any house or other building, within the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every dwelling-house or other building hereafter constructed and erected, within the city of Philadelphia, the district of Southwark and the township of the Northern Liberties, shall be subject to the payment of the debts contracted by the owner or owners thereof, for or by reason of any work done, or materials found and provided, by any brickmaker, bricklayer,

Dwelling and other houses hereafter erected in the city of Philadelphia, &c. subjected to the payment of all debts contracted in the building thereof;

bricklayer, stone-cutter, mason, lime-merchant, carpenter, painter and glazier, ironmonger, blacksmith, plasterer and lumber merchant, or any other person or persons employed in furnishing materials for, or in the erecting and constructing such house or other building, before any other lien which originated subsequent to the commencement of the said house or other building; but if such house or other building should not sell for a sum of money sufficient to pay all the demands for work and materials, then and in such case the same shall be averaged, and the said creditors paid an equal sum or proportion in the dollar: *Provided always*, That no such debt for work and materials shall remain a lien on the said houses or other buildings, longer than two years from the commencement of the building of the same, unless an action for the recovery thereof be instituted or the claim filed within six months after performing the work or furnishing the materials aforesaid, in the office of the prothonotary of the county where such houses or other buildings lie.

where the house will not sell for sufficient to discharge all the demands they are to be averaged and paid proportionably:

Such debts not to remain a lien longer than two years from the commencement of the building, unless an action is brought &c.

Sec. 2. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force for three years from the passing thereof, and from thence to the end of the next session of the general assembly, and no longer.

Limitation of the act.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CLXXIII.

An ACT *for establishing an Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That a board of health shall be established in the manner herein after directed, which shall be and hereby is erected into a body corporate, in deed and in law, by the name, style and title, of "The Board of "Health," who shall have perpetual succession, and enjoy all and every the rights, liberties and privileges, powers, authorities and immunities incident or belonging to a corporation or body politic, and shall moreover have and exercise the powers and authorities herein after mentioned; that is to say, the Governor of this commonwealth shall on or before the first day of May next, commission and appoint five persons, three of whom shall be resident in the city of Philadelphia, one in the Northern Liberties, and one in the district of Southwark and township of Moyamensing, who shall compose the said board of health, and shall continue in office one year, next ensuing the date of their appointment, but not more than two of the said board shall be physicians; they shall receive four hundred dollars each, per annum, as a compensation for their services, and in case of the death, sickness, resignation, refusal to serve, or removal from office of all or any of them,

A board of health established and incorporated;

its style,

to enjoy all the privileges incident to a corporation;

the Governor to appoint five persons who are to constitute the board of health and continue in office one year,

not more than two of whom to be physicians: their compensation;

of supplying vacancies;

them, their places shall be supplied by other appointments; out of their own body, the board shall choose a president, who shall preside at the meetings of the board, and whose place shall be supplied in his absence by the appointment of a chairman, for the time; a secretary whose duty it shall be to keep fair minutes of all the proceedings, rules and regulations of the board, and a treasurer who shall give bond with sureties, as is required of the county treasurer, who shall receive all monies belonging to the corporation, and pay and disburse the same upon the order of the board, signed by the president and attested by the secretary, who shall keep fair and just accounts of his receipts and expenditures, shall make extracts thereof whenever the board shall require the same, and shall once in every year, his accounts having been allowed by the board, publish the same in one or more of the public newspapers of the city of Philadelphia; and the said board shall sit upon their own adjournment, as they shall find necessary, but shall meet at least once in every day, between the first day of May and the first day of November in every year; and also when the board shall be specially convened by order of the president, or any two of the members, and at all meetings, three members shall form a board, to transact business, but a less number may adjourn; and the said board shall have and hereby is vested with full power and authority, to make general rules, orders and regulations for the government and management of the larzaretto, and the vessels, cargoes and persons there detained under quarantine, and of the health office and public hospitals, and for the mode of visiting and examining vessels, persons, goods and houses, and

the board to choose a president, secretary and treasurer;

their duties;

ordinary meetings of the board;

special meetings,

number necessary to form a board, &c.

general powers of the board of health.

and shall also have power to appoint such other officers and servants, as from time to time shall be found necessary, to perform the several duties required by this act, and their future regulations: *Provided*, That such officer shall not hold any office of profit or trust under the United States, and to remove any of the officers or servants by them appointed, and appoint others in their places, and to allow and pay the said officers and servants so appointed, such compensation for their respective services as the said board shall deem just and proper; and the Governor is hereby authorised and required to appoint one physician, who shall reside at the lazaretto, and shall be denominated the lazaretto physician, and one physician who shall reside in the city of Philadelphia, and shall be denominated the hospital physician, one health officer, and one quarantine master, all of whom shall be under the direction and control of the board of health, and may be removed from office by the Governor at the request of the majority of the members of the board of health; and the said lazaretto physician shall be entitled to occupy the house hitherto occupied by the resident physician, and to have furnished him pasturage, provender and stabling for one horse and one cow, and also to such vegetables as may be necessary to supply his table whilst residing at the lazaretto, from the garden there, and the quarantine master shall be entitled to occupy the house hitherto occupied by the quarantine master, and to have furnished him pasturage, provender and stabling for one horse and one cow, and also to such vegetables as may be necessary to supply his table whilst residing at the lazaretto, from the garden there.

The Governor to appoint a lazaretto physician, hospital physician, health officer and quarantine master,

to be under the direction of the board of health and removable by the Governor at the request of a majority of its members; privileges allowed the lazaretto physician and quarantine master.

Sec. 2.

Compensation of the lazaretto and hospital physicians, the quarantine master and health officer.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the health officer on receiving from the captain or master of any ship or vessel, arriving from a foreign port or place, the certificate as herein after directed to be furnished by the lazaretto physician and quarantine master or hospital physician, shall be entitled to receive from such captain or master the sum of six dollars and no more, of which the lazaretto physician shall have three dollars, and the hospital physician, the quarantine master and health officer one dollar each, in full compensation for all services enjoined on them by this act.

The lazaretto and the ground therewith reserved, &c. vested in the board of health established by this act, with power to erect buildings necessary for the accommodation of seamen, &c.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the buildings now called the lazaretto, and the ground therewith reserved and occupied, and all the property and estate of every kind whatsoever, now vested in the present board of health, shall become and be fully vested in the board of health constituted by this act, immediately and as soon as the same shall be organised, for the uses and purposes for which the said board is instituted and established, and the same shall be fully and entirely under the direction and management of the said board; and the said board shall have power to erect such buildings on the lot or tract adjoining the lazaretto, as to them may seem necessary and proper, for the accommodation of the seamen and passengers who may arrive at the lazaretto station in health, during the performance of such quarantine, or during such detention as may be enjoined by this act: *Provided*, That the cost of such buildings shall not exceed in the whole, ten thousand dollars.

The expence of such buildings not to exceed $ 10,000.

Sec. 4.

Sec. 4. *And be it further enacted by the authority aforesaid*, That every ship or vessel ning from any foreign port or place, bound the port of Philadelphia, between the first of May and the first day of November in ry year, shall come to anchor in the river laware, as near to the lazaretto as the draft water and the weather will allow, before part of the cargo or baggage be landed, any person who came in such ship or vessel ll leave her, or any person be permitted to on board, and shall submit to the examiions herein after directed; and if any master, nmander or pilot, shall leave his station be- the said lazaretto, or if any master or comder shall permit or suffer, any part of the go or baggage, or any person or persons ving in such ship or vessel, from any port ond the limits of the United States, to be led on either shore of the Delaware bay or r, or suffer any person except the pilot come on board, before such examination duly had and a certificate obtained, as is ein after specified, the person or persons so nitting, and the person or persons so land- or going on board, unless imminent dan- of the loss of the vessel or lives of the v, shall render assistance necessary, being eof convicted, upon indictment or prose- on under this act, by verdict, confession standing mute, in any court having jurision of the offence, shall pay a fine not exling five hundred dollars, to be recovered appropriated as is herein after directed: l it shall be the duty of the lazaretto phyn and the quarantine master, so soon as ship or vessel shall be anchored near the retto, between sun rise and sun set, imiately, wind and weather permitting, to go

Duties of commanders on the arrival of vessels coming from foreign ports bound to the port of Philadelphia;

and penalty for neglecting the same:

Lazaretto physician and quarantine master to visit vessels on their arrival at the lazaretto

and examine the same touching the health of the crew, &c.

go on board the same, and there thoroug examine in such form and manner as s be prescribed by the board of health the ship or vessel, the crew, passengers, c

for which purpose they may propose questions on oath to any person on board;

and baggage on board the same, and to mand answers under oath or affirmation be administered by either the said phy or quarantine master, who are severally by empowered to administer the same. such questions as shall be put to a son on board such ship or vessel, the health of the crew and passengers d the voyage, and the nature and state o cargo as the board of health by their shall from time to time direct to be a

they shall make known to the person the penalty on giving false answers to such question;

but it shall be the duty of the perso examining upon oath or affirmation, bef shall proceed therein, to make known t person interrogated, the penalty impos this act upon the person who shall giv answers, under oath or affirmation t

in what cases they shall give certificates and permit vessels to proceed to the city;

questions proposed in such examination if upon such examination it shall appe the said physician and quarantine maste the said ship or vessel came from a p place, at which no malignant or cont disease prevailed at the time of her ture, that the persons on board the sa free from every pestilential or contagio case, the small pox and measles ex and that the said vessel has had no ma disease on board, either during the hon or outward bound voyage, or during h tinuance in a foreign port, and they sh no cause to suspect that the cargo or thereof is infected, they shall forthw liver to the master or captain of such vessel, a certificate of the facts, in su as shall be directed by the board of

l the said captain or master may thereupon ceed according to his destination, and shall sent such certificate at the health office in ladelphia, within twenty-four hours after his ival and safely mooring there: But if it ll appear to the said physician and quar- ine master upon such examination, that ship or vessel came from a port or place which a malignant or contagious disease vailed, the said ship or vessel shall be de- ied at the lazaretto for the space of twen- days, and the letter bag of the vessel when ified, and such letters as the master, com- nder or passengers shall think proper to te to their owners, consignees or friends, ll be transmitted to the health officer in ladelphia, who shall safely deposit the same the post-office, and the vessel and cargo ll be thoroughly cleansed, and all cloath- and baggage shall be aired and purified, the expence of the master, owners or con- nees of the vessel, and the goods respec- ly: *Provided always*, That wine, rum, sugar, spirits, molasses, mahogany, ufactured tobacco, dye-wood, preserved ts, and such other articles as the board of th shall by their general regulations spe- and permit, may be conveyed immediate- o the city in lighters; and at the ex- tion of such quarantine, if it shall appear ne said physician and quarantine master, no person has been sick with a malig- or contagious disease, the small pox measles excepted, on board said ship or el, either during the voyage outward or eward, or during her continuance in a gn port, nor any of the crew or passen- or other person from on board such el, during the performance of quarantine, and

captains to present such certificates at the health office within 24 hours after their arrival; in what cases vessels shall be detained by the lazaretto physician and quarantine master; period of detention &c.

the vessel and cargo to be cleansed and baggage &c. aired and purified.

Specification of articles which may be forthwith conveyed to the city in lighters;

what vessels after performing quarantine may proceed to the city;

and the said physician and quarantine master shall certify the said facts to the board of health, and that in their opinion the vessel, crew, cargo and passengers may be safely suffered to proceed to the city, the said captain or master may proceed with the same according to his destination, unless the board of health shall deem it necessary to cause a further detention of the said vessel or cargo, or of the crew or passengers, or of any baggage on board said vessel, in which case the same shall be detained, until the board of health shall authorise the same to proceed and enter the city, and upon the arrival of the said captain or master at Philadelphia, he shall present the said certificate of the physician and quarantine master at the health office, within twenty-four hours after his arrival; but if upon examination of any vessel by the said physician and quarantine master as aforesaid, or during the performance of quarantine by any vessel, it shall appear to the said physician and quarantine master, that there has been any person sick on board said vessel, with any malignant or contagious disease, either during the voyage outward or homeward, or during the continuance of the vessel in a foreign port, or during the performance of quarantine at the lazaretto, or that any person from on board such vessel has been affected with such disease, then in such case the vessel shall not be suffered to proceed to the city until after the first day of November then next ensuing, and the cargo and baggage, except such part thereof as in the opinion of the board of health may be supposed incapable of retaining infection, which said part may be transported* to the city in lighters, shall be unladen and thoroughly cleansed

where vessels shall not be permitted to proceed to the city before the 1st of November &c.

* *Trasported* in the original.

and

and purified, and the crew and passengers which were on board said vessel, and the cargo and baggage on board the same, or any part thereof, except as before excepted, shall not be suffered to enter the city before the first day of November, then next ensuing, without the licence and permission of the board of health to that effect first had and obtained: *Provided nevertheless*, That such vessel or ship after she shall have been thoroughly cleansed and purified, if no malignant disease appear on board, may be allowed to take in freight at the lazaretto by means of lighters and proceed to sea; and if any master or captain, or other person on board of any vessel, which shall be examined agreeably to this law, shall not true answers make, to all such questions as the said lazaretto physician and quarantine master, or the said health officer or hospital physician shall ask agreeably to this act, or the rules which shall from time to time be established by the board of health; or shall knowingly deceive or attempt to deceive the proper officers as aforesaid, in his answers to their official enquiries, he having been duly informed and apprised of the penalties imposed by this act, upon the person so offending previous to his said examination, by the person making such examination, such person for each and every such offence, on being thereof legally convicted, shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered and appropriated as is herein after provided and directed, and shall moreover be sentenced to imprisonment at hard labor, for any term not less than one year, and not exceeding five years: And if any captain or master of any ship or vessel, shall neglect to present his certificate at the health office, in

Proviso that such vessels, after being cleansed and no malignant disease appearing on board, may take in freight and proceed to sea.

Penalty on captains or other persons giving false answers to questions proposed by the lazaretto physician, quarantine master &c. or attempting to deceive said officers in such answers.

Penalty on captains neglecting to present his certificate at the health office;

in any case in which he is herein before directed so to do, within the time directed by this act, he shall forfeit and pay the sum of three hundred dollars, to be recovered and appropriated as herein after directed; and if any captain or master of any ship or vessel, or any other person on board the same, shall refuse or neglect to comply with the directions of the lazaretto physician and quarantine master, which shall be made agreeably to this act, or the regulations of the board of health, with respect to the detention of any ship or vessel, or the landing from on board the same, of any person or persons, or of any goods, merchandize, bedding, baggage or cloathing, or shall refuse to carry the same into effect, such person for each and every such offence, shall forfeit and pay a sum not exceeding five hundred dollars, nor less than two hundred dollars, to be recovered and appropriated as is herein after provided and directed.

on refusing or neglecting to comply with the directions of the lazaretto physician, &c.

Sec. 5. *And be it further enacted by the authority aforesaid*, That any ship or vessel coming from any port or place within the United States, at which said port or place the said ship or vessel had only called in, or touched upon her arrival from a foreign port or place, shall be liable and subject to all the rules, regulations and restrictions of the preceeding sections of this act, and shall be examined and treated as well the vessel itself, as the cargo, crew, passengers and baggage on board, in the same manner as if such ship or vessel had directly arrived at the lazaretto from a foreign port or place, without having first touched at a port or place within the United States; and all ships or vessels, as well vessels of war as merchant vessels, coming from any port or place

Vessels bound from a foreign port to Philadelphia having touched at any other port within the U. S. to be treated in the same manner as vessels arriving directly from a foreign port;

proceedings in case of vessels arriving from any port or place within

place within the United States, and bound to the port of Philadelphia, between the first day of May and the first day of November in every year, and having on board any goods or merchandize, the growth or produce of any foreign place or country, or any person or persons, bedding or cloathing, from any foreign port or place, shall come to anchor opposite the said lazaretto, and shall be examined by the lazaretto physician and quarantine master, and if the captain or master of any such ship or vessel, shall produce such satisfactory proof, as the board of health shall in that case direct to be required, that the said goods or merchandize have been landed in the United States more than thirty days, and are free from damage, and that the said vessel, bedding, cloathing and persons, are free from the infection of any dangerous contagious disease whatever, then and in that case the said physician and quarantine master, shall give to the captain or master of such ship or vessel a certificate of the facts, permitting such ship or vessel to proceed to the city, which certificate the said captain or master shall present at the health office in Philadelphia, within twenty-four hours after his arrival and safely mooring there, and if he should neglect so to do, being thereof legally convicted under this act, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated as is herein after directed and provided; and if the said captain or master shall fail to produce such satisfactory proof as aforesaid, of the wholesome state of the said vessel, goods, merchandize, bedding, cloathing and persons, the said vessel, goods, merchandize, bedding, cloathing and persons, shall be detained at the lazaretto, and shall be proceeded with in the same

the U. S. between the first of May and November having on board merchandize, &c. of foreign growth, &c.

same manner, and subject to the same orders and regulations as are herein before provided and directed in the case of vessels coming directly from a foreign port or place; and if the captain or master of any ship or vessel, coming from any port or place within the United States, and bound to the port of Philadelphia, having on board any goods or merchandize, bedding, cloathing or persons as aforesaid shall refuse or neglect to come to anchor opposite the lazaretto, and shall pass the same with intent to proceed to the city, without examination by, and certificate obtained from the said physician and quarantine master as aforesaid, he shall on conviction, forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is herein after provided and directed; and the said vessel, goods, merchandize, bedding, cloathing and persons, shall be sent back to the lazaretto, there to be proceeded with in such manner as the board of health, agreeably to this act shall in that case devise and direct.

Proceedings on the arrival of vessels coming from the Mediteranean.

Sec. 6. *And be it further enacted by the authority aforesaid*, That every ship or vessel coming from the Mediteranean, shall be subject to a strict examination, under similar regulations and penalties as are provided in the fourth section of this act, and if it appears that the said ship or vessel came from any place, where the plague exists, or has spoken with any vessel on board of which any person was affected with the plague; or if any person is affected with the said disease on his arrival at the lazaretto, or has been affected during the voyage, the said vessel shall not be suffered to proceed to the city, the cargo and baggage shall be unladed, and thoroughly cleansed

cleansed and purified, and no part shall be suffered to enter the city, without the permission of the board of health first obtained, and the crew and passengers shall perform a quarantine of twenty days: *Provided nevertheless*, That such ship or vessel, after she shall have been thoroughly cleansed and purified, may be allowed to take in freight at the lazaretto, by means of lighters, and proceed to sea.

Persons, &c. coming from any foreign port or place infected with malignant disease prohibited from entering the city or county of Philadelphia or county of Delaware, between the first of May and November without permission of the board of health, &c.

Sec. 7. *And be it further enacted by the authority aforesaid*, That any person or persons, and all goods, merchandize, bedding and cloathing, arriving at any port or place within the United States, from any foreign port or place, at which any malignant or contagious disease, the small pox and measles excepted, prevailed at the time of their departure, or in any vessel in which any such disease existed, whilst they were on board the same, are hereby prohibited from entering the city or county of Philadelphia, or the county of Delaware, except the township of Tinicum, at any time between the first day of May and the first day of November, in any year, either by land or water, without permission of the board of health first had and obtained, under the penalty of five hundred dollars, for each and every offence, and the forfeiture of all such goods, merchandize, bedding or cloathing, to be recovered and appropriated as is herein after directed.

Lazaretto physician, quarantine master, &c. not to absent themselves from the place of their duty

Sec. 8. *And be it further enacted by the authority aforesaid*, That no lazaretto physician, quarantine master, or other officer or servant of the said lazaretto, shall absent himself from the place of his duty, between the first day of May and the first day of November, on

between the first of May and November without leave, &c.

on any pretence, for any time whatsoever, without leave first obtained in writing from the board of health, under the hand of the president or chairman for the time, attested by the secretary, and entered on the minutes, under the the penalty of forfeiting his office, and a fine of any sum not exceeding five hundred dollars.

Duty of the lazaretto physician, on the arrival of any vessel liable to quarantine, to cause the sick, if any, to be removed to the house prepared for their reception, to attend on and administer to them medical aid, &c.

Sec. 9. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the lazaretto physician, immediately on the arrival of any ship or vessel, liable to be detained at the lazaretto, in order to be cleansed and purified as aforesaid, to cause the sick, if any on board, to be removed to the building which shall be appointed by the board of health for their reception, and diligently and impartially with his best skill, attend upon and administer medical assistance, to each and every sick person that shall be therein lodged, and generally superintend, and cause to be executed, such orders and regulations as the said board shall from time to time ordain, for the government and management of the lazaretto, and of the vessels, cargoes and persons under quarantine.

Of the quarantine master, to cause vessels performing quarantine to be moored near the lazaretto at a proper distance from other vessels, the bedding, &c. therein to be landed, aired, &c.

Sec. 10. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the quarantine master, immediately after the arrival of and examination as aforesaid, of any ship or vessel, liable to be detained at the lazaretto for purification aforesaid, to direct and cause such ship or vessel to be properly moored near the lazaretto, at such distance from any other vessel or vessels under quarantine, as may prevent the communication of any infectious disease to or from the

same, and the cargo, bedding and cloath-
or any part thereof contained in such
or vessel, to be landed, cleansed and
fied, under the direction of the lazaretto
sician; and it shall be the particular duty
he said quarantine master, to prevent any
onal intercourse between the persons on
d different vessels under quarantine, and
that purpose to take possession of, and
re the boats of such vessels, until their
ective terms of quarantine shall be com-
ed, to preserve and enforce order and
lience to this act, and all such orders
regulations as the board of health, shall
time to time ordain, for the govern-
and management of the lazaretto, and
ersons, vessels and cargoes under quaran-

to prevent intercourse between persons on board different vessels under quarantine, &c.

c. 11. *And be it further enacted by the authority aforesaid*, That it shall be the duty of
hospital physician, upon receiving infor-
on from the health officer, or other per-
whomsoever, that any person or persons
oard of any ship or vessel, in the port
Philadelphia, is or are afflicted or sus-
d to be afflicted, with any pestilential or
gious disease, or that there is just cause
pect the cargo, or any part thereof,
ined in any such ship or vessel, is in-
l with any such disease, the said physi-
in either of the foregoing cases, shall
nd carefully examine such ship or ves-
and if he shall discover any sick person
rsons on board any such ship or vessel,
all thereupon have and exercise the au-
y, to direct such sick person or persons
removed to the said lazaretto, or to some
safe place which may be specified by
the

Of the hospital physician, to visit and examine vessels suspected to be infected by contagious disease, &c.

proceedings and powers of the hospital physician in such cases.

the board of health, and the said physician shall without delay, report the state of said vessel, cargo and crew to the board of health, who shall direct and determine how the crew, passengers, vessel and cargo shall be disposed of and managed, for the restoration of their health and purification, and on the arrival of any ship or vessel in the port of Philadelphia from any foreign port or place, from the first day of November in any year, to the first day of May in the next succeeding year, it shall be the duty of the said physician, provided such ship or vessel shall not have been previously visited and examined, by the lazaretto physician and quarantine master, and before any of the passengers, crew, cargo or baggage are landed, to visit and carefully examine such ship or vessel, in manner and form as the said lazaretto physician and quarantine master are bound to do; and to demand answers under oath or affirmation, to be administered by the said hospital physician, who is hereby empowered to administer the same, and if the crew, passengers, vessel and cargo be in a healthy state, and if there shall be no ground to suspect that any of the crew or passengers have died in the voyage, of any dangerous contagious disease whatever, or that the cargo, bedding or cloathing is infected, then and in such case the said physician, shall give to the master or commander a certificate of the facts, which the said master or commander shall present at the health office within twenty-four hours after such examination, and if he shall neglect so to do, being thereof legally convicted under this act, he thall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated is herein after provided and directed

directed; and if on examination any suspicion shall arise in the mind of the said physician, touching the health of the crew or passengers, or the infectious state of the vessel, cargo, bedding or cloathing on board, no part thereof shall be landed, but the said physician shall immediately report the same to the board of health, who shall direct and determine what measures shall be pursued relative thereto, and the said physician upon request of the health officer or the board of health, shall from time to time, visit and examine such houses and persons, as the said board or the health officer shall have reason to suspect are infected with any dangerous contagious disease, and make report thereof to the said health officer.

Sec. 12. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the health officer, at seasonable and proper hours on each day, (Sunday excepted) to open and keep a public office, at such convenient place in the city of Philadelphia as shall be directed by the board of health, whereat all masters or captains of ships or vessels, shall deliver the certificates or bills of health to them granted by the lazaretto physician and quarantine master, or hospital physician as aforesaid, and the board of health shall there assemble, and meet as often as they deem needful, for the purpose of executing the duties and trust of their appointment; and the said health officer shall file and preserve in good order, all the certificates or bills of health so delivered, and shall keep a register of the ships or vessels, and the names of the captains or masters, owners or consignees, for which the same were respec-

Duty of the health officer,

to keep an office in the city,

business to be transacted thereat;

to file bills of health and register arrivals,

purport of the register;

tively granted, the port or ports from which the ship or vessel respectively sailed, or at which they touched during their respective voyages, and the number of persons on board thereof respectively, at the time of their leaving their respective ports of departure, and also at the time of their arrival respectively at the port of Philadelphia; and the said health officer shall attend the health office, at the meetings of the board of health, and at such other times as shall be requisite for discharging the duties of his appointment, and generally enforce and execute the regulations and instructions of the board of health; and it shall be the duty of the said health officer to collect, recover and receive all forfeitures and penalties imposed, and sums of money directed to be paid by this act.

to attend the meetings of the board of health,

to execute the regulations of the board;

and to recover and collect penalties and forfeitures.

Sec. 13. *And be it further enacted by the authority aforesaid*, That every diseased person duly landed or sent to the lazaretto, by either of the aforesaid physicians, quarantine master or the health officer, shall be there kept and maintained, until the lazaretto physician shall grant him or her a discharge in writing; and if before obtaining a discharge as aforesaid, any such person shall elope or otherwise absent himself or herself from the lazaretto, it shall be lawful for the health officer or any constable or other person, whom he shall call to his assistance, and they are hereby enjoined and required, to lend such assistance to pursue and apprehend the person so escaping, or absenting himself or herself from the lazaretto, and there again deliver him or her, to be detained until he or she be duly discharged as aforesaid, and moreover the person so eloping and absenting himself

Patients to be kept and maintained at the lazaretto 'till discharged;

proceedings and penalty on their eloping sooner;

or

or herself, shall for each and every offence forfeit and pay the sum of one hundred dollars, or suffer such other punishment by confinement, not exceeding three months, as the board of health shall ordain and award; and if any master or captain shall knowingly receive, or employ on board of his ship or vessel, or if any house-keeper or other inhabitant of this commonwealth, shall knowingly receive, harbour or in any way entertain, any person so eloping or absenting from the lazaretto, each and every master and captain, and each and every house-keeper or inhabitant so respectively offending, shall on being thereof legally convicted, forfeit and pay a sum of two hundred dollars: And if any person arriving in or belonging to any ship or vessel, detained at the lazaretto as aforesaid, shall elope or absent himself, without having obtained a discharge, signed by the lazaretto physician and quarantine master, or if any person other than those detained at the lazaretto as aforesaid, shall go on board or along side of any ship or vessel whilst under quarantine as aforesaid, or if any person not authorised by the proper officer, shall go within the limits of the lazaretto, such person or persons shall perform such quarantine as the board of health may direct; the person so offending upon legal conviction of such offence, shall forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as herein after directed: And if any diseased or other person landed and sent to the lazaretto, by any officer having authority to do the same, or any person arriving in or belonging to any ship or vessel detained at the lazaretto as aforesaid, shall refuse or neglect to obey the directions of the lazaretto physician or quarantine master respectively, agreeably to this

penalty on masters of vessels or house-keepers harbouring such runaways:

Penalty on persons detained at the lazaretto eloping before obtaining a discharge;

on persons not authorised going within the limits of the lazaretto;

On patients, &c. at the lazaretto not obeying the directions of the lazaretto physician, &c.

this act, and the orders and regulations by the board of health, which shall from time to time be ordained and established, for the government and management of the lazaretto, and the persons, vessels and cargoes under quarantine, the person so refusing or neglecting shall for each and every offence, on being thereof legally convicted, forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as is herein after directed.

Vessels coming to Philadelphia with a certificate of health may be remanded on suspicion;

Sec. 14. *And be it further enacted by the authority aforesaid*, That when any vessel shall come up to the city of Philadelphia, or the shore of Southwark, or of the Northern Liberties in the river Delaware, although the said vessel may have obtained a certificate of health, from the lazaretto physician and quarantine master, or the hospital physician, if the said vessel shall appear to the board of health to be infected with any contagious disorder, dangerous to the community, the said board are hereby authorised to order the said vessel to the lazaretto, there to undergo the necessary purification, before she shall be permitted to return to the city or shores aforesaid; and the said board are hereby authorised and empowered, to remove any vessel or vessels from such part of the city or shores aforesaid, as shall be infected with such disorders as aforesaid, to such convenient distance as they may deem proper, although such vessels may not be infected.

and vessels may be removed from an infected part of the shores.

Of the city hospital,

Sec. 15. *And be it further enacted by the authority aforesaid*, That the messuages and lots, commonly called the city hospital, situate on the north side of Sassafras-street, and east side of the river Schuylkill, shall continue to be held

eld as a public hospital, for the township of
e Northern Liberties and Moyamensing, as
ell as for the city and district of Southwark,
til the board of health shall procure and pro-
ide a more convenient public hospital for the
urpose aforesaid; and all persons other than
ersons on board of any ship or vessel, and
iable to be sent as aforesaid to the lazaretto,
esiding within the city of Philadelphia, the
listrict of Southwark, the townships of the
Northern Liberties and Moyamensing, who
hall be afflicted with any pestilential or con-
agious disease, (the small pox and measles
xcepted) may upon the advice and order of
he hospital physician, or any other physician,
r person authorised by the board of health,
o grant such order, to be removed by the
ealth officer, and such assistance as he shall
or that purpose employ, to the said public
hospital, or to such other place as the physi-
cian or board of health shall approve, if the
person afflicted with any contagious or pesti-
lential disease, cannot be properly and suffi-
ciently attended at home, there to be lodged,
nursed and maintained, and kept until duly
discharged, by a permit in writing signed by a
physician of the said public hospital: *Provided always nevertheless*, That each and every pa-
tient, and his or her estate real and personal,
shall be liable to pay, satisfy and reimburse all
he charges and expence, on his or her account
ncurred in the said public hospital, unless the
oard of health award that he or she shall be
xonerated or exempted therefrom.

persons infected with a contagious disease in the city and suburbs to be removed and maintained there:

The expences incurred how to be discharged.

Sec. 16. *And be it further enacted by the authority aforesaid*, That whenever the said board of health shall receive information, that any contagious disease rages in any port or place within

Proceedings in case a contagious disease rages in

any part of the United States;

within the United States, or on the continent of America, they shall make diligent enquiry concerning the same, and it shall and may be lawful for the said board, to prohibit and prevent all communication by land and water, with such infected ports or places, by stopping all vessels coming into the port of Philadelphia, and at and before the lazaretto, in the same manner, and under the same penalties and forfeitures, as are hereby provided in case of vessels coming from foreign ports; and by stopping all persons coming from such infected places, in such manner as the circumstances and exigencies of the case shall require; and the said board of health are hereby authorised and required, whenever a fever of a contagious nature shall appear, in any part of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties or Moyamensing, to adopt without delay, such prompt measures as will effectually prevent all communication, between the part or parts so infected, and any other part of the city, district or townships aforesaid; and all judges, justices, sheriffs, constables and other civil officers and citizens of this state, are hereby authorised and empowered, enjoined and required, to aid and assist the said board and their officers, to the utmost of their power, in carrying into effect such rules, orders and regulations touching the stoppage of such intercourse, or removal of the infected, as the board shall ordain and publish.

Communication with infected parts of the city, &c. how to be stopped.

Sec. 17. *And be it further enacted by the authority aforesaid*, That whenever by means aforesaid, or by the report of the hospital physician, or any other physician appointed by

Provision as to individuals infected with a contagious

Sec. 20. *And be it further enacted by the authority aforesaid,* That all actions or prosecutions to be commenced against any master, captain, owner or consignee, of any ship or vessel, or other person by virtue of this act, shall be brought within twelve months next after the commission of the offence wherewith he is charged, and if any action or suit shall be commenced, against any person or persons for any matter or thing committed in violation of this act, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon.

Limitation for bringing actions, and proceedings therein.

Sec. 21. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said board of health, to cause all offensive or putrid substances, and all nuisances which may have a tendency, in their opinion, to endanger the health of the citizens, to be removed from the streets, lanes, alleys, highways, wharves,* docks or any other part or parts of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Moyamensing, and to cause such of the privies within the limits aforesaid, to be emptied or corrected with lime or otherwise, at the expence of the individuals, who are owners of the houses to which the said privies are appurtenant, as the said board shall from time to time, deem necessary, for the health of the inhabitants thereof; and if the owners or occupiers of the premises, on which any nuisance may be found, shall on due notice thereof being given, refuse or neglect to have the same immediately removed or corrected as aforesaid, he, she or they so refusing or neglecting, shall forfeit

Provision for cleansing the city and suburbs;

penalty for refusing or neglecting the same.

* *Warves* in the original.

forfeit and pay for such offence, any sum not less than twenty nor more than two hundred dollars, to be recovered and appropriated as by this act is directed.

Fund to be raised for the purposes of this act.

Sec. 22. *And be it further enacted by the authority foresaid,* That for defraying the expences to be incurred, in erecting and supporting the said lazaretto, and for carrying into complete effect the other provisions contained in this act, the said board of health are hereby authorised and empowered, by and with the consent of the mayor or recorder, two aldermen and two justices as aforesaid, to levy and collect by tax, on the estates and inhabitants of the city of Philadelphia, the district of Southwark, and townships of the Northern Liberties and Moyamensing, in the same manner, at the same rates, and under the same regulations, as the county rates and levies are or may be by law levied and collected, such sums annually as the said board by and with the consent of the mayor or recorder, two aldermen and two justices as aforesaid, shall deem necessary for the use of the said institution; provided the same does not exceed the sum of forty thousand dollars, and the said board of health are hereby authorised and empowered, to borrow upon the credit of the taxes aforesaid, such sum or sums of money as may be thought necessary for the benefit of the said institution.

Accounts of the institution to be reported to the Governor and published.

Sec. 23. *And be it further enacted by the authority aforesaid,* That at any time between the fifteenth and twenty-fifth days of December yearly, and every year hereafter, the board of health shall report to the Governor the amount

amount of taxes which may be levied, the monies received, and the monies expended in pursuance of this act, and generally an exact and circumstantial account of the institution, and shall publish the same in one or more newspapers printed in the city of Philadelphia.

Pilots bringing up vessels apparently healthy not liable to quarantine;

Sec. 24. *And be it further enacted by the authority aforesaid*, That no pilot bringing a ship or vessel to the lazaretto, in an apparent state of good health, shall be obliged to perform quarantine, but the lazaretto physician shall grant such pilot a certificate, permitting him to proceed to the capes of Delaware, in order that he may prosecute his profession, but such pilot shall not on any pretence come into the city of Philadelphia, the Northern Liberties, the district of Southwark or township of Moyamensing, for thirty days from the date of such certificate, under the penalty of one hundred dollars, and also of one year's imprisonment, which penalty shall be recovered and applied in the manner herein before directed; and any pilot bringing to the said lazaretto a ship or vessel infected, or suspected to be infected with any pestilential or contagious disease, may be permitted to go and remain on shore within the bounds of the lazaretto, during the time the ship or vessel brought thither by him shall be detained under quarantine: *Provided always*, That if the said vessel shall be infected with any such disease as aforesaid, he shall be detained and treated in like manner, as seamen or passengers so infected are herein directed to be detained and treated: *And provided further*, That if he shall go without the bounds of the lazaretto, he shall be liable to the same penalties, as are by this act imposed

if they bring suspected vessels they may land at the lazaretto, &c.

if they are infected how to be treated.

imposed on seamen or passengers escaping therefrom.

Limitation of the act.

Sec. 25. *And be it further enacted by the authority aforesaid*, That this act shall continue in force for three years, and from thence to the end of the next session of the general assembly, and no longer.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the first, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXXIV.

An ACT *to vest in the devisees of James Parrock, deceased, such parts of the forfeited estate of John Parrock, which have not been sold by this Commonwealth.*

WHEREAS it hath been represented to the legislature, that a small portion of the estate of John Parrock, deceased, forfeited by his attainder hath never been sold on behalf of the commonwealth, and Richard Smallwood and others, heirs of the said John Parrock, have prayed that the same may be vested in them: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That

That all right, title and interest, property, claim and demand whatsoever, which the commonwealth has in, to and out of such parts of the estate real and personal of the said John Parrock, forfeited by his attainder aforesaid, as hath not been heretofore sold, aliened or otherwise disposed of, by and on account of the public, shall be and the same is hereby granted, conveyed, assigned and set over unto the said Richard Smallwood and others, the devisees of the said James Parrock, father of the said John Parrock, for ever, as if the attainder of the said John Parrock had not taken place; saving nevertheless unto all other persons their just and legal rights and claims.

Such part of the forfeited estate of John Parrock, deceased, as hath not been heretofore sold &c. granted to his heirs.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the second, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXXV.

An ACT *to direct the sale of certain unimproved lots, the property of this Commonwealth, in the city of Philadelphia, and to appropriate the proceeds thereof towards the erection of a building for the purpose of more completely carrying into effect the penal laws of this State.*

WHEREAS the public prison of Philadelphia, is found to be too small for accommodating the convicts which are sent to that

that place, from different parts of the state, and the persons whom it may be necessary to imprison for offences committed in the city and county of Philadelphia: For remedy whereof,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the inspectors of the prison in Philadelphia for the time being, or a majority of them, be and they are hereby authorised, to sell or otherwise appropriate, all the right, title, claim and interest of the commonwealth, in the vacant lots the property of this commonwealth, in the city of Philadelphia, unimproved by the state, in such manner, and at such times as to them may appear most eligible, and the monies arising from such sale is hereby appropriated to defray the expenses of erecting such prison, or other house of confinement, for the use of the said city and county, as the inspectors of the prison, the court, grand jury and county commissioners shall agree to direct and order: *Provided always,* That if the title to any lot sold by virtue of this act, shall prove to be defective, nothing herein contained shall be construed so as to bind the state to pay the value of the same, or make reparation for any damages which may arise by such defective title: *And it is further provided,* That in consideration of the said lots being granted for the purposes aforesaid, the commonwealth reserves the right to the several counties within the same, to send their convicts to the present prison of the city and county of Philadelphia, agreeably to the provisions set forth in the penal laws of this commonwealth.

The vacant lots, the property of the state, in the city of Philadelphia to be sold,

proceeds of such sale appropriated to the erection of a new prison or house of employment:

Reservation in favour of the several counties.

Sec. 2.

Sec. 2. *And be it further enacted by the au-*
ority aforesaid, That immediately after the
id prison shall be completed, and suitable
r the admission of prisoners, the said inspec-
rs shall cause to be removed thereunto, all
rsons that may be then confined in the prison
the city and county of Philadelphia, under
e denomination of prisoners for trial, vagrants,
naway or disorderly servants and apprentices,
d all such other descriptions of persons, (ex-
pt convicts) as have been heretofore confined
the county prison, and to receive into the
id new prison, all persons of the aforesaid
scription that may hereafter be legally com-
tted.

On the completion of said prison, all vagrants, &c. confined in the city & county prison to be removed thither.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

PROVED—April the second, 1803:
THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CLXXVI.

SUPPLEMENT *to the act, entitled "An act to enable the Justices of the Supreme Court, to hold circuit courts within this Commonwealth."*

:tion 1. BE *it enacted by the Senate and House of Representatives of the*
n monwealth of Pennsylvania, in General As-
bly met, and it is hereby enacted by the au-
rity of the same, That whenever any she-
or other proper officer, who by virtue
of

Where a sheriff, by virtue of an execu-

tion issued by the supreme or circuit court, sells lands &c. and dies or is removed before executing a deed to the purchaser, proceedings to obtain a title to such lands &c.

of any testatum executions or other writs grounded thereon, or by virtue of any other executions whatever, issued either by the supreme or circuit courts, shall hereafter take in execution and sell, any lands, tenements or hereditaments, shall die or be removed before any deed shall be executed by him to the purchaser, then and in every such case the plaintiff or purchaser may apply to the circuit court of the supreme court, in the county wherein the lands, tenements or hereditaments so as aforesaid lie, and set forth the case to the said circuit court, with the reason why the title was not perfected by the former sheriff or other officer who sold the same, and thereupon the said circuit court shall as justice and equity require, order and direct the sheriff or other proper officer for the time being, to perfect such title, and execute a deed for the same to the purchaser and upon such order obtained as aforesaid, and entered on the records of the said circuit court, it shall and may be lawful for the sheriff or other proper officer, according to the said order and direction, and he is hereby empowered and required, upon the full discharge and payment of the money or price for which the said lands, tenements or hereditaments, with such costs and charges as remain unpaid to the former sheriff or other officer, to make, execute, deliver and acknowledge any deed or deeds, and to perform and do all matters and things that by the former sheriff or other officer might, could or ought to have been performed or done in and about the premises, which when done and performed, shall be held and adjudged as effectual in law, as if the title had been completed by the former sheriff or other proper officer.

Sec.

Sec. 2. And whereas it frequently occurs, that defendants in ejectment commit great waste and destruction of the premises demanded during the pendency of the suit, and before the trial thereof, and it has heretofore been considered that the writ of estressement to prevent such waste and destruction can issue only upon affidavit filed, and motion to the court in term time, and the necessity of the case may require a more expeditious remedy, and it is just and proper to extend the remedy of the said writ: *Be it therefore further enacted by the authority aforesaid*, That when any ejectment shall be depending in the supreme court, circuit court or court of common pleas, it shall and may be lawful for the prothonotary or clerk of the court, in which such ejectment is or shall be depending, upon affidavit of the plaintiff or other person knowing the fact, filed in his office, that the tenant or defendant in such ejectment has committed or is committing waste and destruction of or in the premises, to issue a writ of estressement to prevent the same of course, without motion to the court and in vacation, which affidavit shall be sworn before one of the judges of the supreme court or common pleas, and shall be considered regular though the judge before whom it shall be taken, may not be a judge of the court in which such ejectment shall or may be depending.

Writs of estressement to prevent waste may be issued in vacation upon affidavit filed.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the second, 1803.

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXXVII.

An ACT *relating to the claim of this Commonwealth, against Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, esquire, deceased.*

WHEREAS by an act of congress for the erecting of tribunals, competent to determine the propriety of captures during the late war between Great-Britain and her then Colonies, passed the twenty-fifth day of November, one thousand seven hundred and seventy-five,* it is enacted in the fourth section thereof as follows, viz. "That it be and "is hereby recommended to the several legisla- "tures in the United Colonies, as soon as possi- "ble, to erect courts of justice, or give jurisdic- "tion to the courts now in being, for the purpose "of determining concerning the captures to be "made aforesaid, and to provide that all trials "in such case be had by a jury, under such "qualifications as to the respective legislatures "shall seem expedient;" and in the sixth section thereof as follows, viz. "That in all "cases an appeal shall be allowed to the con- "gress, or to such person or persons as they "shall appoint, for the trial of appeals:" And whereas by an act of the general assembly of Pennsylvania, passed the ninth day of September, one thousand seven hundred and seventy-eight, entitled "An act for establish- "ing a court of admiralty," appeals were allowed from the said court in all cases, unless from the determination or finding of the facts by a jury, which was under the provisions of that law, to be without re-examination or appeal: And whereas by a resolution of con-

* *Figures* in the original.

gress

ress, of the fifteenth day of January, one
iousand seven hundred and eighty, it was
nong other things declared, that trials in the
)urt of appeals should be according to the
w of nations and not by jury: And whereas
e British sloop Active, having been captur-
l as prize on the high seas, in the month
September, one thousand seven hundred
d seventy-eight, and brought into the port
Philadelphia, and there libelled in the court
admiralty of the said state, held before
:orge Ross, esquire, the then judge of the
id court, on the eighteenth day of the said
)nth of September: And whereas the libel-
its then and there against the said sloop
:tive, were Gideon Urmstead or Olmstead;
timus White, Aquila Rumsdale and David
irke, who claimed the whole vessel and car-
as their exclusive prize: Thomas Huston,
ster of the brig Convention, a vessel of
r belonging to Pennsylvania, who claimed
noiety of the said prize for the state of
nsylvania, himself and his crew; and James
iah, master of the sloop Girard,* private ves-
of war, who claimed one-fourth part of the
l prize for himself, his owners and crew:
d whereas all the facts respecting the said
ture being submitted to the said court of
iiralty, and a jury then and there returned,
anelled and sworn, a general verdict was
ight in by the said jury, which was con-
ed by the court, whereby Gideon Olm-
d, Artimus White, Aquila Rumsdale and
id Clarke, became entitled to one fourth
ie said prize; Thomas Huston, for him-
and crew, became entitled to another
th; the state of Pennsylvania as owner
ie vessel of war the Convention, to anoth-
urth; and James Josiah for himself and

* *Gerard* in the original.

owners,

owners, and crew of the sloop Girard, became entitled to the remaining one-fourth part of the said prize: And whereas the said Gideon Olmstead, Artimus White, Aquila Rumsdale and David Clarke, being dissatisfied with the verdict and sentence aforesaid, did appeal from the said court of admiralty of Pennsylvania, unto the court or committee of appeals appointed as aforesaid, under the authority of congress, notwithstanding the recommendation of congress aforesaid, of the twenty-fifth day of November, one thousand seven hundred and seventy-five, for the appointment of courts of admiralty in each of the then United Colonies, did expressly provide that all trials respecting capture should be had by a jury, and under such qualifications as to the respective legislatures should seem expedient, and notwithstanding the court of appeals did decide not by a jury, but by the usage of nations, and notwithstanding the law for establishing the court of admiralty of Pennsylvania, did expressly take away the right of appeal, where the facts were found and determined by the intervention of a jury, and notwithstanding this state was authorised at the time to make such qualification or provision, taking away the right of appeal in jury cases, by virtue of the recommendation of congress aforesaid, which allowed and recommended the said courts of admiralty to be established with a jury, under such qualifications as to the respective legislatures should seem expedient; And whereas the said court of appeals of the United States, on the fifteenth day of December, one thousand seven hundred and seventy-eight, did reverse the sentence of the court of admiralty aforesaid, and did decree

he whole of the said prize to the appellants; And whereas the judge of the court of admiralty, to wit: George Ross aforesaid, did refuse obedience to the decree of reversal, and did direct Matthew Clarkson, then marshal of the said court, to pay part of the proceeds of the said prize, to the amount of eleven thousand four hundred, and ninety-six pounds nine shillings and nine pence, Pennsylvania currency, for the use of the state of Pennsylvania, into the treasury of the state of Pennsylvania, whereof David Rittenhouse was then treasurer, taking a bond of indemnity from the said David Rittenhouse, as treasurer as aforesaid, to save him the said George Ross, his executors, administrators, &c. harmless from the consequences of such payment, which bond is dated the first day of May, one thousand seven hundred and seventy-nine: And whereas the said George Ross dying, suit was brought against his executors in the court of common pleas of Lancaster county, by and on the part of the appellants before named, for the money whereunto they pretended title, by virtue of the decree aforesaid, of the court of appeals reversing the sentence of the court of admiralty, whereof the said George Ross had been judge: And whereas it does not appear that the said David Rittenhouse had any notice or information, or was in any legal way apprised of, or made a party to the said suit in the court of common pleas of Lancaster county, either in his personal capacity, or as treasurer of the state of Pennsylvania, so that judgment was obtained by default against the executors of the said George Ross, without any knowledge of the said David Rittenhouse, or his being able to take any measures on behalf of himself

self or the state of Pennsylvania, to prevent the same: And whereas in consequence of the judgment so obtained in the said court of common pleas of Lancaster county, against the executors of the said George Ross, the said executors brought suit against the said David Rittenhouse, which in the year one thousand seven hundred and ninety-two, in the term of April, of the same year, was heard and determined in the supreme court of Pennsylvania, (on a case stated for the opinion of the court after verdict taken for the plaintiff subject to that opinion) by Thomas M'Kean, chief justice and others, the judges of the said court, who among other things thereunto relating, did decree and determine, that the reversal as before mentioned, had and made in the court of appeals, was contrary to the provisions of the act of congress recommending the establishments of courts of admiralty, and of the general assembly of the state of Pennsylvania, in their act for the establishment of the said court, and was extra judicial, erroneous and void, and that the court of common pleas of the county of Lancaster, was incompetent to carry into effect the decree of the court of appeals, and that the judge of the court of admiralty aforesaid, George Ross, was not liable to an action in a court of law, for distributing money according to his decree as judge of the said court: And whereas at the second session of the third congress of the United States, held at the city of Philadelphia in the month of December, one thousand seven hundred and ninety-three, it was proposed as an amendment to the constitution of the United States, that the judicial power of the United States shall not be construed to extend to any suit in law or equity,

commenced

nmenced or prosecuted against one of the
ited States by citizens of another state, or
citizens or subjects of any foreign state,
ich having been adopted by the requisite
mber of states, as appears by the commu-
ation to congress of the then president John
ams, to this purpose, of January the eighth,
thousand seven hundred and ninety-eight,
become a part of the constitution of the
ited States: And whereas on the twenty-
enth day of May, one thousand eight hun-
d and two, the said Gideon Olmstead, Ar-
ius White, Aquila Rumsdale and David
rke, by their attorney William Lewis, es-
re, did file a bill in the district court of the
ited States, at Philadelphia, for the district
Pennsylvania, before Richard Peters, judge
the said court, against Elizabeth Sergeant
l Esther Waters, surviving executrixes of
vid Rittenhouse aforesaid, deceased, for the
overy of the monies with interest so paid
o the hands of the said David Rittenhouse
Matthew Clarkson, marshal of the admi-
y courts aforesaid, as proceeds of the prize,
brig Active, so captured as aforesaid, and
the said David Rittenhouse and his execu-
tes aforesaid, formerly and still retained:
d whereas in the answer of the said Eliza-
h Sergeant and Esther Waters to the bill
resaid, it sufficiently and substantially ap-
rs, that the said money was originally re-
ved by the said David Rittenhouse, and was
him detained as treasurer of the common-
lth of Pennsylvania, which commonwealth
; and still is interested in, and a claimant
he same under the decree of the said George
s, as judge of the court of admiralty in
nner as herein before stated: And whereas
said Richard Peters, judge of the said dis-
trict

trict court, on the bill, answer and replication so filed by and between the said Gideon Ormstead,* Artimus White, Aquila Rumsdale and David Clarke, of the one part, against Elizabeth Sergeant and Esther Waters, executrixes as aforesaid, did on the fourteenth day of January, one thousand eight hundred and three proceed to decree as follows, viz. This is the long depending case of the sloop Active and cargo, it comes before me by libel filed against the executors of the late Mr. Rittenhouse, who received from George Ross, esquire, then judge of the state* court of admiralty, the sum mentioned in the libel, which were invested in the certificates of stock as stated therein; Mr. Rittenhouse on receiving these certificates which were proceeds of the sales of the said sloop and cargo, gave a bond of indemnity to Mr. Ross, which is now offered when payment of these proceeds is made to be delivered up, the suit is instituted for the purpose of carrying into effect a decree of the court of appeals, established under the old confederation, a copy whereof appears among the exhibits in answer it is alledged, that the monies were received for the state of Pennsylvania, in replication this is denied; in a memorandum made by Mr. Rittenhouse, at the foot of the account exhibited, it appears that he intended to pay over these proceeds to the state when indemnified; no such payment ever has been made, and the certificates and monies are yet in the hands of the respondents; it appears to me, that Mr. Rittenhouse considered himself, as I conceive he was, a stake-holder, liable to pay over the deposit to those lawfully entitled thereto, his executors conceive themselves in the same predicament, and have declined paying over the said certificates and interest, no counsel

* *Ormstead* in the original.

* *State of court* in the original.

counsel have appeared and requested to be heard on the part of the respondents, and I am left to judge from the libel, answer, replication and exhibits which contain the state of the facts, if I should be thought mistaken in the opinion I form on the subject, there is time and opportunity to appeal to a superior tribunal; I throw out of the case all circumstances not immediately within my present view of the duty I have to perform; I have nothing to do with the original question that has been decided by the court of appeals, nor does it appear to me essential for me to determine, with what intentions Mr. Rittenhouse received the certificates, the fact of the certificates and interest being now in the hands of the respondents, is granted by them in their answer; it has been determined by the supreme court of the United States, that this court has power to effectuate the decrees of the late court of appeals in prize causes, and this court has on several occasions practised agreeably to that decision; there is no doubt on my mind, (the authorities in the books being clear on this point) that the process and jurisdiction of this court, will reach and extend over the proceeds of all ships, goods and articles, taken as lawful prize, found within the district and legally proceeded therein, these proceeds are under the same legal disposition, and subject to the same responsibility, under whatever shape they may appear, as the original thing from which they were produced; it is conceded that the certificates and monies in question are proceeds of the sloop and cargo, in the libel mentioned, these were decreed to the libellants by the judgment of the late court of appeals; I am therefore of opinion, and accordingly decree, and finally adjudge and determine, that the certificates be

transferred and delivered, and the interest monies paid over by the respondents to the libellants, of execution in the judgment and decree of the court of appeals, as stated in the proceedings in this cause with costs: I make it however a condition that the bond of indemnity be cancelled or delivered to the respondents, on their compliance with this decree. Signed, Richard Peters. All which legal proceedings herein before stated, will more fully and at large appear, on reference to the records of the respective courts wherein the same were had: Therefore it hath become necessary for the general assembly of Pennsylvania, as guardians of the rights and interests of this commonwealth, and to prevent any future infringements on the same, to declare; That the jurisdiction entertained by the court or committee of appeals over the decree of George Ross, as judge of the court of admiralty of Pennsylvania, in the suit where the claimants of the brig Active as prize were the libellants, as herein before stated, was illegally usurped and exercised in contradiction to the just rights of Pennsylvania, and the proper jurisdiction of the court of admiralty established as aforesaid, under the authority of this state, and that the reversal of the decree of the said George Ross, in that suit, was null and void, that the jurisdiction entertained by Richard Peters, judge of the district court aforesaid, in the suit of Gideon Olmstead, Artimus White, Aquila Rumsdale and David Clarke, against Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, deceased, was illegally usurped and exercised, that the rights of this commonwealth as a claimant, and as the party substantially interested in the said suit, though

apparent

apparent on the face of the proceedings, were unfairly passed over and set aside; that the said David Rittenhouse, was not and ought not to have been considered in the light of a mere stake-holder, but as the treasurer and agent of this commonwealth, and that the jurisdiction and decree of the said Richard Peters hereon, were entertained and made in manifest opposition to, and violation of the last amendment of the constitution of the United States herein before stated, and ought not to be supported or obeyed: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor of this commonwealth be authorised, and he is hereby authorised and required, to direct the attorney-general of this commonwealth, to apply without delay to Elizabeth Sergeant and Esther Waters, executrixes as aforesaid, and require them forthwith to pay into the treasury of this commonwealth, the monies by them admitted to have been received in respect of the premises, in their answer to the bill so as aforesaid filed against them, in the district court of Pennsylvania, before Richard Peters, judge of the said court, without regard to the decree of the said Richard Peters herein, and in default thereof by the said Elizabeth Sergeant and Esther Waters, to direct the said attorney-general to bring suit in the name of the commonwealth, in the proper court of this commonwealth, against the said Elizabeth Sergeant and Esther Waters for the monies aforesaid, and proceed as speedily as the

The surviving executrixes of David Rittenhouse deceased, to be required to pay into the treasury of Pennsylvania, certain monies in their hands, part of the proceeds of the sloop Active,

and in default thereof the attorney-general to bring suit for the same.

the course of legal proceedings will permit to inforce the recovery and payment thereof, into the treasury of this commonwealth.

Said executrixes to be indemnified in making such payment to the state.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the Governor of this commonwealth be authorised and required, and he is hereby authorised and required, to protect the just rights of the state, in respect of the premises, by any further means and measures that he may deem necessary for the purpose, and also to protect the persons and properties of the said Elizabeth Sergeant and Esther Waters from any process whatever, issued out of any federal court, in consequence of their obedience to the requisition, so as aforesaid directed to be made to them, by the attorney-general of this commonwealth; and in the name of this commonwealth, to give to the said Elizabeth Sergeant and Esther Waters, a sufficient instrument of indemnification in case of their payment of the monies aforesaid, in compliance with this act, without suit brought against them on the part of this commonwealth, for the recovery of the same.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—April the second, 1803:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAP.

CHAPTER CLXXVIII.

ACT *to organise the provisional counties of Beaver, Butler, Mercer and Erie, for judicial purposes.*

ction 1. BE *it enacted by the Senate and House of Representatives of the mmonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the t Monday of November next, the inhabitants the counties of Beaver, Butler, Mercer and ie respectively, shall at all times thereafter, oy all and singular, the jurisdictions, powers, hts, liberties and privileges whatsoever within same, which the inhabitants of other couns of this state do, may or ought to enjoy with- their respective counties, by the constitution d laws of the commonwealth.

The four named counties to enjoy all the rights and privileges enjoyed by other counties.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the counties of Beaver, tler, Crawford, Mercer and Erie, shall form separate circuit or district, to be called the th district, and the president to be appointed r said district, and the associate judges to be pointed in each of the aforesaid counties, shall ve like powers, jurisdictions and authorities thin the same, as are warranted to and exered by the judges in other counties of this mmonwealth.

Said counties with Crawford to form the sixth district; of the president thereof and associate judges of the counties.

Sec. 3. *And be it further enacted by the authority aforesaid,* That all actions of trespass and ectment, for the trial of titles to,* actions of espass, quare clausum fregit, for entry into any lands

What actions, depending before the courts in Allegheny and Crawford

* An omission in the original.

counties, shall be transferred to the newly organised counties:

lands or tenements, within the bounds of counties of Beaver, Butler, Mercer and which shall at the time of passing this or before the first Monday of November have been commenced in the courts of mon pleas, or circuit courts of the counties Allegheny or Crawford, or which have commenced in the county of Allegheny the court of common pleas or circuit co as aforesaid, within the bounds of the co ty of Crawford, and which shall on the first Monday of November next, be pending and undetermined, shall be transferred to the courts of common pleas and cuit courts, to which they respectively pertain, in the several counties organised this act, and containing the land and ments, for the possession whereof, or pass whereon, any of the aforesaid act shall or may have been brought, there be proceeded on to trial and determin according to law, in the same state, subject to the same rules, as they or any them were on the said Monday: And prothonotaries of Allegheny and Crawf counties, shall and they are hereby requi and enjoined, within thirty days after the first Monday of November next, to m out a docket, containing a statement of such actions then pending and undeterm ed, in the said counties of Allegheny Crawford, and shall have the said docket, gether with the records, declarations other papers respecting all such actions, t pending and undetermined as aforesaid, r to be delivered to the prothonotaries of counties to which they respectively appert and which contain the lands and tenements for the possession whereof, or trespa when

Duties enjoined on the prothonotaries of Allegheny and Crawford counties:

ereon, any of the aforesaid actions shall or
ay have been brought, which prothonota- and fees to be paid them by the prothonotaries of Beaver, Butler, &c.
s respectively before they receive the same,
all pay to the prothonotaries of the coun-
s of Allegheny and Crawford, for every ac-
on contained in said docket, the usual fees
owed for similar services, which shall be to be reimbursed by the counties respectively;
imbursed to them by the counties to which
ey belong, and all such actions so pending
d undetermined, and transferr'd as aforesaid,
the prothonotaries of Allegheny and Craw-
rd counties, and by the prothonotary of the
unty of Allegheny, to the prothonotary of
e county of Crawford, shall be considered
pending in the courts of common pleas,
r circuit courts in the counties to which
ey have been respectively transferr'd, from
nd after the first Monday of November next,
nd shall be proceeded upon in like manner,
s if they had been originally commenced in
id counties; and the prothonotaries of the said prothonotaries further to account with those of Allegheny &c.
ounties of Beaver, Butler, Mercer and Erie
espectively, shall account upon the receipt of
he costs of all such actions, or any of them,
o the prothonotaries of the counties of Alleg-
eny or Crawford, as the case may be, for
ll legal fees incurred in the counties of
Allegheny or Crawford on such actions, or
ny of them, and no action or suit other than
he said actions of trespass and ejectment, or
respass quare clausum fregit, now commenced,
or which may be commenced in the counties
of Allegheny and Crawford, before the first
Monday of November next, against any per-
son living or residing within the bounds of the
counties of Beaver, Butler, Mercer, Craw-
ford and Erie, shall be stayed, discontinued
or affected by this act, or any thing herein
contained, but the same may be prosecuted in
the

the same manner as if this act had not been passed.

Sheriffs, &c. of Crawford county to act for the hereby organised counties 'till the first Monday in November.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the sheriffs, coroners and other public officers, of the counties of Allegheny and Crawford, shall continue to exercise the duties of their respective offices, within the counties of Beaver, Butler, Mercer and Erie, as heretofore, until the first Monday in November next.

County officers to give security, &c.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the sheriffs, coroners, treasurers and all such other officers as have heretofore usually given bail, for the faithful discharge of the duties of their respective offices, who may have heretofore been elected or appointed in the counties of Beaver, Butler, Mercer and Erie, before they enter on the duties of their offices, shall give sufficient sureties in the like sums, and in the like manner and form, and for the like purposes, uses and trusts, as such officers are obliged to do in the counties of Allegheny and Crawford, or for such sums, or in such manner, as may be hereafter directed by law.

Of the public buildings to be erected in the respective counties;

Sec. 6. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the commissioners that may be hereafter elected for the counties of Beaver, Butler, Mercer and Erie respectively, to erect and cause to be erected, as soon as they may deem convenient, a court-house, prison and other public buildings, for the safe keeping of the records and papers, in each of the counties aforesaid, on such parts of the public square,

square, in the town of Beaver, in the county of Beaver; in the town of Butler, in the county of Butler; in the town of Mercer, in the county of Mercer; in the town of Erie, in the county of Erie, as the commissioners of the said respective counties may think proper; and the said commissioners of the counties of Beaver, Butler, Mercer and Erie respectively, shall have authority to call on the commissioners of the respective counties of Allegheny and Crawford, for the purpose of examining, liquidating and receiving such balances, as shall be found due to the said respective counties of Beaver, Butler, Mercer and Erie, and reserved for the use of the same, agreeably to an act of the general assembly of this commonwealth, passed the twelfth day of March, one thousand eight hundred.

of the payment of balances due from Allegheny and Crawford.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the courts for the county of Beaver, shall be held in the house now occupied by Abner Laycock, in the town of Beaver, until a court-house shall be erected, or until the county commissioners and the court shall think proper to have it held at some more convenient house in said town.

Temporary place of holding courts for Beaver county.

Sec. 8. *And be it further enacted by the authority aforesaid*, That the respective commissioners of the counties of Butler and Mercer, shall procure houses as near the centres of their respective counties as convenience will admit, at the least possible expence, in which they shall hold their respective courts, until they shall have erected their court-houses; or if such houses cannot be conveniently procured, the aforesaid commissioners shall have power to erect temporary buildings, in each of

Ditto for Butler and Mercer.

their respective county towns, for that purpose.

Ditto for Erie.

Sec. 9. *And be it further enacted by the authority aforesaid,* That the courts for the county of Erie, shall be held at the house now occupied by George Beeler, in the town of Erie, until a court-house shall be erected in said town, or until the county commissioners and the court shall think it proper to have it held at some more convenient house in said town.

Of the election of county officers, &c.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the citizens inhabitants of the respective counties of Beaver, Butler, Mercer and Erie, who are or shall be qualified to elect agreeably to the constitution and laws of this state, shall at the first general election to be held in the counties aforesaid, on the second Tuesday of October next, choose two fit persons for sheriffs, two for coroners and three for commissioners, in each of said counties, in the same manner, and under the same rules, regulations and penalties as by the constitution and laws of this commonwealth, similar officers are chosen in other counties, and said officers when chosen as aforesaid, and duly qualified to enter on the duties of their respective offices, shall have and enjoy, all and singular, the powers, authorities, privileges and emoluments in or any way arising, out of their respective offices, in and for the counties aforesaid respectively, as fully as such officers are entitled to in any other of the counties within this commonwealth.

Times of holding the county courts.

Sec. 11. *And be it further enacted by the authority aforesaid,* That from the first Monday in

1 February next, the courts of common pleas nd quarter sessions of the peace, shall be ield within the aforesaid circuit or district, greebly to the following arrangement; that s, in the county of Beaver on the first Monlays of February, May, August, and November; in the county of Butler on the Mondays next following the courts in Beaver; in the county of Mercer on the Mondays next following the courts in Butler; in the county of Crawford, on the Mondays next following the courts in Mercer; in the county of Erie, on the Mondays next following the courts in Crawford.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the second, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXXIX.

An ACT *to erect part of South Irwin township, in the county of Venango, into a separate election district.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the following described part

Part of South Irwin township, Venango

county, erected into a separate election district. Bounds of said district;

part of South Irwin township, in the county of Venango, shall be a separate election district, viz. Beginning on the west verge of Allegheny river near the house now occupied by Daniel Fry; thence due west to the county line dividing the counties of Venango and Mercer; thence southward along the line dividing said counties, to the south-west corner of Venango county; thence eastward along the line dividing the counties of Venango and Butler to the verge of Allegheny river; thence up the same to the place of beginning; and the electors thereof shall hold their general elections at the house now occupied by Patrick Davidson, to be known by the name of South Irwin district.

place of holding elections.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the second, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXXX.

An ACT *erecting certain election districts in the county of Crawford.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing

The townships of Bea-

ing of this act, the townships of Beaver and Cussewago, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Robert Nelson, in the said district.

Beaver and Cussewago, in the county of Crawford, made an election district, and place of holding elections.

Sec. 2. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the townships of Conneaut and Sadsbury, except such part of Conneaut township as lies south of the Pymatuning swamp, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Joseph Harwood in said district.

Part of Conneaut & Sadsbury townships erected into a district, place of election.

Sec. 3. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the townships of Shenango and Followfield, and that part of Conneaut township that lies south of the Pymatuning swamp, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Thomas Michael in said district.

The townships of Shenango & Followfield, &c. to be a separate election district, place of elections therein.

Sec. 4. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the township of Fairfield, and the following described part of the county aforesaid, shall be a separate election distsict,

Fairfield erected, Bounds of the disrict;

Beginning at the north-east corner of Fairfield township; thence by a direct line to the south-west corner of a donation tract of land, in the sixth donation district, No. 120; thence along the north end of a range of donation lots, on an eastwardly course to the line dividing the counties of Venango and Crawford; thence along the lines dividing the said counties

ties to the south-east corner of Fairfield township; and the electors thereof shall hold their general elections at the house now occupied by James Herrington in said district.

place where elections to be held.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—April the fourth, 1803:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CLXXXI.

An ACT *to establish and confirm the place for holding the courts of Justice, and to provide for erecting the public buildings, for the county of Armstrong county.*

WHEREAS in pursuance of an act, passed the sixth of April, one thousand eight hundred and two, entitled "An act to establish the places for holding the courts of justice, in the counties of Armstrong, Butler and Mercer," it appears that the Governor did appoint Isaac Weaver, John Hamilton, Thomas Morton, James Brady and Presly Carr Lane, esquires, commissioners to perform the duties enjoined and required by the said act. And whereas it appears by the report of the said commissioners, deposited by them in the office of the Secretary of the commonwealth,

ınd now before the general assembly, by which t appears that the said commissioners have per- ormed the duties enjoined and required by he said act: In order therefore to complete ınd secure to the good people of the said :ounty, the benefits intended in and by the ıct aforesaid,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That James Sloan, James Matthews and Alexander Walker, be and hereby are appointed trustees for the county of Armstrong, and the said trustees, or a majority of them, are hereby authorised, enjoined and required, to survey or cause to be surveyed, one hundred and fifty acres of land, near the place where general Armstrong defeated the Indians, on the east side of the Allegheny river, above Sloan's ferry, including the bend of said river, nearly opposite to a small island, being part of a tract of land called Kittanning, the property of James and John Armstrong, particularly described and set forth in the report of the commissioners, under the act, entitled "An act to establish the places "for holding the courts of justice in the coun- "ties of Armstrong, Butler and Mercer," and given and granted under an obligation made and executed by James Armstrong, in behalf of himself and his brother John Armstrong, to the Governor, in trust and to the use of the said county; and the aforesaid trustees are also hereby authorised and required, to lay out a convenient lot or lots, not exceeding two acres, whereon the public buildings for the county of Armstrong shall be erected, and the said lot or lots

Trustees appointed for the county of Armstrong, who are to survey 150 acres of land, part of the Kittanning tract, for the use of said county;

to lay out a lot or lots, not exceeding two acres, for the public buildings and the residue of said

150 acres into town and out-lots;

lots being so laid out, the surplus of the said one hundred and fifty acres, shall be laid out into town-lots and out-lots, in such manner and with such streets not more than ninety nor less than sixty feet wide, and such lanes and alleys, for public uses, as the said trustees shall direct: *Provided*, That not more than two thirds of an acre, nor less than one fourth of an acre, shall be contained in any town-lot, nor more than two acres in any out-lot.

Dimensions of the town and out-lots;

town called "Kittanning."

and the same being so surveyed and laid out, shall be called Kittanning, and the streets, lanes and alleys, within the town and out-lots, shall be and remain common highways for ever.

Trustees to sell the lots at public auction, to give previous notice of such sale and transmit a draft of the town to the Secretary's office:

Sec. 2. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said trustees, or major part of them, to sell by public auction, the said town-lots and out-lots, at such time as they may judge most advantageous, to the county, which sale shall be held at the house of James Sloan, in the said county, previous to which the said trustees shall advertise the same three times at least, in one or more of the newspapers printed in Pittsburgh, Washington, Greensburgh, Lancaster and Philadelphia, three months before the day appointed for such sale; and before the advertisements are published aforesaid, transmit a map or draft of the town and out lots to the Secretary of the commonwealth, to be deposited in his office, and with the money arising from the sale of the said town-lots and out-lots, the trustees shall proceed to erect a court-house, jail and offices, necessary public buildings, for the use of the county of Armstrong: *Provided however*, That

Deeds in fee simple of the

before the aforesaid trustees shall proceed to the performance of any other of the duties hereby enjoined and required, they shall demand and receive, a deed or deeds of conveyance, in fee simple, from James Armstrong and John Armstrong, agreeably to the terms expressed in the aforesaid obligation, for that purpose given, by the aforesaid James Armstrong to the Governor; and shall procure the deed or deeds to be recorded in the office for recording of deeds, in the county of Westmoreland, and when the said trustees have so done, they shall have authority and it shall be their duty, to make out and grant sufficient deeds, in fee simple, for the town-lots and out-lots by them sold in pursuance of this act.

said 130 acres of land are first to be obtained by the trustees;

and recorded in the recorder's office of Westmoreland county, and afterwards conveyances made for the town and out-lots to the purchasers.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the aforesaid trustees, or a majority of them, shall within two years from and after the courts of law and board of commissioners shall have been established and opened by law, in and for said county, the said trustees shall surrender and convey to the said commissioners and their successors in office, in trust for the use of the county, all the trust and trusts vested in them, or in a majority of them, by this act, and the said commissioners of the county are hereby empowered and required, to do and perform the several duties which may remain to be done, as fully and effectually as the said trustees might or could have done, and the said county commissioners shall have power, and it shall be their duty, to call upon and compel the aforesaid trustees to settle their accounts, and to pay over the money to the county treasurer, if any such money remains in their hands, or in the hands of either of them, due to the county of Armstrong, from the sale of the town-lots or out-lots

When the powers of the trustees shall cease and to whom be surrendered.

out-lots aforesaid: *Provided however*, That any time before the said county of Armstrong is organised, and the courts of law and board of commissioners are in operation, it shall be the duty of the court of common pleas for the counties of Westmoreland and Armstrong, on the petition of fifty freeholders of the county of Armstrong, to the said court, to appoint auditors, with as full powers to compel the said trustees to settle their accounts, as the county commissioners might or could do in pursuance of the aforesaid powers.

Compensation of the trustees and by whom to be paid.

Sec. 4. *And be it further enacted by the authority aforesaid*, That each of the aforesaid trustees shall receive one dollar thirty-three cents, for every day he or they shall be employed in performing the duties of the aforesaid trust, together with all expences necessarily incurred for assistance in laying out lots, streets, lanes and alleys, to be paid by the treasurer of the county of Westmoreland, on orders drawn by the commissioners of said county, out of the county taxes levied on the county of Armstrong.

Of filing a return of the survey of the town, &c.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the said trustees shall, as soon as may be, file a draft, return and report of the survey and proceedings under and by virtue of this act, in the office of the recorder of deeds in and for the county of Westmoreland.

Repealing clause.

Sec. 6. *And be it further enacted by the authority aforesaid*, That so much of the act passed March the twelfth, one thousand eight hundred, as authorises the commissioners therein named, to be trustees for the said county

of

of Armstrong, is hereby repealed and made void.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—April the fourth, 1803:

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CLXXXII.

An ACT *making certain appropriations, and to enable the Governor of this Commonwealth, to negotiate certain Loans, and for other purposes therein mentioned.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the Governor of this commonwealth be, and he is hereby authorised to negotiate a loan, from the bank of Pennsylvania, or any other bank in the city of Philadelphia, for the sum of fifty thousand dollars, to be repaid in three months from the time such loan shall be obtained, out of such dividends upon bank stock as shall become due and payable to this commonwealth, in July next; together with such sums to be taken out of any monies then in the treasury as may be in addition to the said dividends, sufficient

The Governor empowered to obtain a loan from the bank of Pennsylvania.

Pledge for the repayment of the loan;

sufficient for that purpose; and to secure the repayment of the monies so as aforesaid borrowed, it shall and may be lawful for the Governor to pledge as much of the bank stock, or deferred stock of the United States the property of this state with the bank as shall be a sufficient security for the repayment of the money so as aforesaid borrowed, which the bank making such loan is hereby authorised to receive and use for the purposes aforesaid; and the Governor is hereby authorised and required, at the expiration of three months from the time the aforesaid loan shall be obtained, to discharge the same, by applying to that purpose the said dividends upon bank stock and so much of such other monies as may then be in the treasury, as will be necessary for the discharge of the loan so made, the same being hereby appropriated for that purpose.

when to be repaid and out of what fund.

Appropriation of the loan.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the monies procured on loan as aforesaid, shall be appropriated to the discharge of the debt heretofore contracted and now growing due to the bank of Pennsylvania, and the Governor is hereby authorised and required to apply the same to that purpose.

The Governor authorised to negociate a further loan for the payment of certain certificates,

Sec. 3. *And be it further enacted by the authority aforesaid,* That as soon as any of the certificates issued in pursuance of the act, entitled "An act offering compensation to the "Pennsylvania claimants, of certain lands "within the seventeen townships, in the "county of Luzerne, and for other purposes," passed the fourth day of April, one thousand seven hundred and ninety-nine, shall be pre-

sen-

sented at the treasury for payment, it shall and may be lawful for the Governor to negotiate on loan or loans of the bank of Pennsylvania, or of any other bank in the city of Philadelphia, at an interest not exceeding six per cent. per annum, and payable half yearly, any sum or sums not exceeding in the whole one hundred thousand dollars, to be received of such bank, in such instalments as will answer the demands of the holders of the aforesaid certificates: *Provided always nevertheless*, That the loan so made shall not prevent the state from discharging each instalment in one year, from the time it was received from the bank; and the Governor is hereby authorised to pledge from time to time, as he shall obtain loans as aforesaid, such amount of deferred stock of the United States, or bank stock the property of this state, as shall be deemed a sufficient security for the repayment and discharge of the loans so as aforesaid procured, which the bank making such loan is hereby authorised to receive and use for the purposes aforesaid.

interest thereon not to exceed six per cent.

pledge to secure its repayment.

Sec. 4. *And be it further enacted by the authority aforesaid*, That in case no such loan can be procured from any of the banks aforesaid, then and in such case it shall and may be lawful for the Governor to sell from time to time, as the same shall be necessary, so much of the deferred stock of the United States, the property of this state, not exceeding one hundred thousand dollars, as will be sufficient to discharge the certificates issued under the said recited act: *Provided*, That such sale be made at not less than at the rate of one dollar for every dollar of such stock so by him sold: *And provided also*, That such

If the loan can't be obtained the Governor may sell United States stock the property of this state:

Proviso not to sell it under par.

such sale does not exceed the sum of one hundred thousand dollars.

Appropriations for the payment of certain unfunded certificates, the expences of government, &c.

Sec. 5. *And be it further enacted by the authority aforesaid*, That for the payment of the following debts and expences of government, there be and is hereby appropriated, out of the funds for the support of government, the sum of twenty-four thousand one hundred and thirty two dollars and fifty two cents; that is to say, for the payment of certain certificates issued under the act, entitled "An act to provide for the settlement of the "public accounts, and for other purposes there-"in mentioned," passed the fourth day of April, one thousand seven hundred and ninety-two, the sum of eight thousand four hundred and eighty nine dollars and seventy-four cents, including the unexpended appropriation made on the sixth day of April last, for clerk hire, printing, stationary, attendants, expresses, fuel and other contingent expences of the executive department for one year, from the first day of April, in the present year, the sum of three thousand dollars; for the payment of clerks in the office of comptroller-general, in settling the accounts of the former and late comptroller-generals, eight hundred dollars; for the office of surveyor-general, to arrange and bring forward the business of that office, six hundred dollars, for which he shall account; for the purpose of clerk-hire in the office of the secretary of the land-office, to select, arrange, endorse and file all the proprietary locations, and for other purposes, six-hundred dollars; for the payment of clerk-hire in the register-general's office, the sum of six huudred dollars; for the purpose of defraying the expence of one thousand copies of the laws, printed by

y Mathew Carey and John Bioren, agreeably o an act passed April sixth, one thousand ight hundred and two, ten thousand dollars, which sum of ten thousand dollars the Governor is hereby authorised to cause to be paid to Matthew Carey and John Bioren, at such time as he may think advisable, provided the sureties of said Mathew Carey and John Bioren, for the performance of their contract, shall first approve of such advance; and for the purpose of discharging a debt due to Samuel Relf for news papers, furnished the last legislature, forty-two dollars and seventy-eight cents.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the Secretary of the commonwealth be directed to lay before the next general assembly, a particular account of the expences of the executive department. Account of executive expences to be laid before the legislature.

Sec. 7. *And be it further enacted by the authority aforesaid,* That all warrants to be drawn on the treasury by the Governor, for the sums of money appropriated by this act, shall be under the same regulations and restrictions, as are directed by law in other cases. Of warrants to be drawn under this act.

Sec. 8. *And be it further enacted by the authority aforesaid,* That all and singular, the powers and duties vested in the comptroller-general and register-general and Governor of the commonwealth, by the act, entitled "An "act to facilitate the settlement of the accounts "of former and present county treasurers, for "arrears of state-taxes," passed the fifth day of February, one thousand eight hundred and two, The act of February, 1802, relative to the settlement of the accounts of county treasurers continued for one year.

two, are hereby renewed and extended for one year, from and after the passing of this act.

A statement of their progress in settling such accounts to be laid before the legislature by the comptroller and register.

Sec. 9. *And be it further enacted by the authority aforesaid*, That the comptroller and register-general, shall lay before the legislature on the first day of January next, a statement of the progress made in the settlement of the accounts of the present and former county treasurers, for the arrears of state-taxes, under the act, entitled "An act to facilitate the settlement of the accounts of the former and present county treasurers for the arrearages of state-taxes," passed February fifth, one thousand eight hundred and two.

New loan certificates to be redeemed:

Sec. 10. *And be it further enacted by the authority aforesaid*, That such of the certificates as were issued by virtue of the act of the first of March, one thousand seven hundred and eighty-six, as have not been exchanged or value given therefor by the commonwealth, and which consequently remain outstanding, shall be redeemed in the following manner, to wit: Upon the presentation of any of the aforesaid certificates for redemption, the register-general is hereby authorised and directed to state an account, exhibiting the actual market price of the certificates, six per cent. deferred six per cent. and three per cent. stock of the United States, which the holders of such certificates so presented as aforesaid would have been entitled to receive, in exchange for such certificates, if they had been presented for exchange previously to the passing of this act, which account shall be submitted to the judgment and revision of the comptroller-general

Manner of ascertaining the amount due thereon.

in

like manner as other accounts, who if he approve the same, shall inform the register-general accordingly, but if the comptroller-general disapprove thereof, he shall after having in writing informed the register-general of such his disapprobation and the reasons thereof, if they cannot then agree, transmit the same together with a statement of his objections to the Governor, who shall thereupon, after having enquired into the reasons of the comptroller-general and register-general, in support of their respective opinions, decide as the nature of the case may require, and return the said account and the vouchers thereof to the register-general, who shall submit the same to the comptroller-general: *Provided always*, That in all cases where the parties shall not be satisfied with the settlement of their respective accounts, in the manner aforesaid, or where there shall be reason to suppose that justice has not been done to the commonwealth, the Governor may and shall in like manner, and upon the same conditions as heretofore, allow appeals or cause suits to be instituted as the case may require.

Governor to draw warrants for such amount.

Sec. 11. *And be it further enacted by the authority aforesaid*, That the Governor shall draw warrants in favor of the parties on the state-treasurer, for the amounts ascertained as aforesaid, to be the actual market value of the aforesaid certificates of the United States, payable out of the sum of twenty thousand dollars, which is hereby appropriated as the fund for the payment of such warrants.

Comptroller-general to deposit certain

Sec. 12. *And be it further enacted by the authority aforesaid*, That the comptroller-general

certificates with the state treasurer.

ral shall and he is hereby directed, to deposit with the state-treasurer, all such certificates of six per cent. deferred six per cent. and three per cent. stock of the United States which he hath received or shall receive from the late comptroller-general, John Donnalson esquire, for the purpose of exchanging the outstanding certificates, issued under the act of the first of March, one thousand seven hundred and eighty-six aforesaid.

Repealing clause.

Sec. 13. *And be it further enacted by the authority aforesaid*, That so much of any former act or acts of assembly, as authorise the Governor or to sell or transfer to the bank of Pennsylvania or to any individual, any of the stock of the United States, the property of this state, be and the same is hereby repealed.

The state treasurers accounts on the books of the bank of Pennsylvania examinable by the comptroller and register-general.

Sec. 14. *And be it further enacted by the authority aforesaid*, That the comptroller-general and register-general, be and they or either of them are hereby authorised and directed, to inspect and examine as often as they or either of them may think necessary, the accounts of the state-treasurer, on the books of the bank of Pennsylvania, and to adjust and settle the said accounts, in such manner and under the like restrictions and regulations as other accounts are by law directed to be adjusted and settled.

SIMON SNYDER, *Speaker of the House of Representatives.*
ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the fourth, 1803:
THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CLXXXIII.

n ACT *for laying out competent Districts for the Appointment of Justices of the Peace.*

:ction 1. BE *it enacted by the Senate and House of Representatives of the* ›mmonwealth *of Pennsylvania, in General As-* ›ibly *met, and it is hereby enacted by the au-* ›rity *of the same*, That the different coun- s of this commonwealth, shall be respec- ely laid out into suitable districts, for the pointment of a competent number of justi- s of the peace, by the commissioners of ch county respectively, agreeably to the les herein after prescribed; and for this pur- se it shall be the duty of the said com- issioners to meet together on the fourth onday of October next, and to continue m day to day, until they have completed list or draught in numerical order, of the mber of districts contained in their re- ective counties, and shall transmit a du- cate return of the same, containing the mber and description of the bounds of each trict, the number of taxable inhabitants and number of acting justices within each, and near as may be the local residence of such tices, to the office of the Secretary of the mmonwealth, on or before the second Tues- y of December next; and the said com- ssioners shall also transmit one other du- cate of the same to the office of the pro- notary of the respective county, which plicate the said prothonotary shall enter l record in his office, for doing which he ll receive twenty five cents for each dis- t, by him so recorded.

The several counties to be laid out into districts, for justices of the peace, by the commissioners thereof,

proceedings of the commissioners for that purpose.

Sec. 2.

Greatest number of districts allowed to each county.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said commissioners shall not lay out their respective counties into a greater number of districts, than herein directed; *that is to say* the number of districts in the county of Adams, shall not exceed seven districts; Allegheny twelve; Armstrong six; Beaver six; Bedford fifteen; Berks fifteen; Bucks thirteen; Butler six; Centre seven; Chester sixteen; Crawford ten; Cumberland sixteen; Dauphin nine; Delaware six; Erie six; Fayette twelve; Franklin twelve; Green seven; Huntingdon fifteen; Lancaster twelve; Luzerne ten; Lycoming six; Mercer six; Mifflin ten; Montgomery ten; Northampton twelve; Northumberland twenty; Philadelphia six; Somerset seven; Venango six; Warren six; Washington thirteen; Wayne eight; Westmoreland twelve; York fourteen.

Penalty on commissioners neglecting or refusing to serve in the premises.

Sec. 3. *And be it further enacted by the authority aforesaid*, That if the commissioners of any of the counties aforesaid, shall neglect or refuse to do and perform the duties required of them by this act, every such commissioner so neglecting or refusing, unless prevented by sickness or other unavoidable accident, shall forfeit and pay the sum of five dollars for the use of the county, to be recovered with costs of suit, by action of debt or indictment; at the election of the party prosecuting.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP.

CHAPTER CLXXXIV.

An ACT *declaring the Shenango or Pymatuning creek, a public stream or highway.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the Shenango or Pymatuning creek, a branch of Beaver creek, from the mouth of the same, up to its source be, and the same is hereby declared a public stream or highway, for the passage of rafts, boats or other vessels, and it shall and may be lawful for the inhabitants and others, desirous of using the navigation of the said creek, to remove all the natural obstructions in the said creek: *Provided*, That any person or persons, owning or possessing land on said creek, shall have liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act, of the general assembly of this commonwealth, passed the twenty third day of March, one thousand eight hundred and three, entitled "An act to authorise any person or persons "owning lands adjoining navigable streams of "water, declared public highways, to erect "dams upon such streams for mills and other "water-works."

Shenango creek declared a public highway:

Proviso as to the erecting of mill-dams.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAP-

CHAPTER CLXXXV.

An ACT *to empower the overseers and guardians of the poor of the several townships within this Commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes.*

WHEREAS certain fines, penalties and forfeitures are by divers acts of assembly, directed to be paid to justices of the peace for the use of the poor: And whereas the means by law provided for recovering the same from the said justices, are defective and inadequate: For remedy whereof,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of any justice of the peace, who shall receive by virtue of any act of assembly, any fine, penalty or forfeiture, appropriated to or for the use of the poor, forthwith to enter at length on his docket the name or names of the person or persons convicted, the offence committed, the amount of the fine, penalty or forfeiture, and the time when the same was paid; and forthwith shall deliver to any constable who may be present at, or whom he shall next see after such conviction, a transcript of such entry or entries, whose duty it shall be under a penalty of ten dollars, to be recovered before any other justice of the peace of the proper county, within twenty days after such delivery to him, to deliver such transcript or transcripts to

Duty of justices of the peace receiving fines, &c. appropriated to the use of the poor, to make an entry thereof on his docket; form of such entry; and deliver to some constable a transcript of such entry; duty of such constable;

to one of the overseers of the poor of the township to which the forfeiture belongs; and such justice shall at any time within two weeks after the receipt of such money, if demanded, pay over the same to the overseers of the poor lawfully entitled thereto: And moreover every such justice shall annually at the settlement of the accounts of the supervisors of the highways, of the township in which he resides, exhibit his docket, if required, to the inspection of those who may be elected for the purpose of settling and adjusting the accounts aforesaid.

to whom such fines shall be paid and within what time:

Justices to make an annual exhibit of their dockets, if required.

Sec. 2. *And be it further enacted by the authority aforesaid*, That any justice of the peace for wilfully neglecting, or refusing to perform any of the duties enjoined by this act, shall be liable to be indicted, and on conviction be deemed guilty of misbehaviour in office, and fined for the use of the poor of the township in which he shall reside, any sum not exceeding twenty dollars, but if he shall be convicted of neglecting or refusing to pay over to the proper overseers of the poor within the time prescribed by this act, any monies which he shall have received as aforesaid, he shall be fined and pay for the use aforesaid, over and above the fine last aforesaid, any sum not exceeding double the sum or sums which he shall be convicted of having refused or neglected to pay to the proper overseers of the poor.

Penalty on justices neglecting to perform the duties enjoined by this act.

Sec. 3. *And be it further enacted by the authority aforesaid*, That it shall be the duty of every justice of the peace, or any other person, who hath heretofore received any such fines, penalties or forfeitures, and who hath not

Duty of justices, &c. who have heretofore received and still hold any fines, &c.

not made payment thereof to the proper overseers of the poor, within six months after the passing of this act, to make out transcripts from his docket, of all such monies by him so received and yet in his hands, and shall forthwith deliver such transcript or transcripts to the constable of the borough or township wherein such conviction did take place, whose duty it shall be under the penalty aforesaid, to deliver the same to the overseers of the poor of his township, within ten days after he shall have received the same; and such justice shall pay over to the said overseers of the poor within twenty days thereafter, if demanded, all such monies so remaining in his hands, and shall moreover at the next settlement of township accounts, after the passing of this act, submit any docket, if required, which he may have kept previous to the passing of this act, to the inspection of the proper borough or township auditors.

to pay over the same to the overseers of the poor &c.

Sec. 4. *And be it further enacted by the authority aforesaid,* That any and every overseer or overseers of the poor, shall be and are hereby authorised and required, by action of debt or trespass on the case, to recover before any other justice of the peace or court of common pleas of the proper county, as from the amount the cause shall be more properly cognisable, all the fines, penalties and forfeitures which now are or hereafter shall be in the hands of any such justice, if he shall not within the time prescribed by this act, and after demand in writing for that purpose made, pay over the same to the overseers of the poor entitled thereto.

How fines, &c. in the hands of justices of the peace are to be recovered.

Sec. 5.

Sec. 5. And whereas the fine imposed by law on persons who refuse to serve the office of constable, is now paid into the hands of the sheriff of the proper county, but no provision is made in what manner, and to what purpose such fines shall be appropriated: *Be it therefore enacted by the authority aforesaid*, That it shall be the duty of any sheriff in this commonwealth, who hath heretofore received any such fine or fines, within six months from and after the passing of this act, to send a notice in writing to the overseers of the poor of the township, wherein the person or persons who may have been so fined shall have resided, at the time the fine was imposed, informing them therein, as well of the amount in his hands, as of the name or names of the person or persons so fined as aforesaid; which notice he may send by any constable living in or near the proper township, whose duty it shall be to deliver the same to the proper overseers of the poor, within the time and under the penalty mentioned in the third section of this act; and such sheriff shall pay over all and any such monies to the overseers entitled thereto, within ten days thereafter, if demanded, or at any time when the same shall be demanded; and in default of any of the duties imposed by this act on such sheriff, he shall be liable to the same pains, penalties and forfeitures, to which justices of the peace are liable for similar misconduct.

Duty of sheriffs who have heretofore received certain fines;

to pay over the same to the overseers, &c.

penalty on sheriffs making default.

Sec. 6. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the clerk of any court within this commonwealth, in case any fine be hereafter imposed by such court, on any person who shall refuse

Duty of clerks of courts, in case fines are imposed on any persons refusing to serve as constable,

to send a written notice thereof to the proper overseers of the poor, purport of the notice,

refuse to serve the office of constable, forthwith through any constable living in or near the township, where the person fined resides, to send a written notice thereof to the proper overseers of the poor, informing them as well of the amount of the fine imposed, as of the name of the person fined, for which service the said clerk shall receive twenty-five cents, and no more, from the said overseers of the poor, and it shall be the duty of such constable, to deliver the notice within ten days after the receipt of the same, to the overseers of the poor of the proper township, who shall pay him for such service twenty-five cents, to which sum all constables shall be entitled for performing similar services enjoined by this act; and the sheriff shall after he hath received the said fines, pay over the same on demand made, to the proper overseers of the poor, and if he shall refuse so to do within ten days after such demand made, he shall be subject to all the pains, penalties and forfeitures to which justices of the peace are liable by this act for similar misconduct.

compensation to the clerk for such service,

compensation to constables for serving notices;

sheriffs to pay the aforesaid fines to the overseers, &c.

Sec. 7. And whereas by an act passed the twenty-seventh day of February, one thousand seven hundred and ninety-eight, provision is made for the erection of houses for the employment and support of the poor in the counties of Chester and Lancaster, in and whereby the office of overseer of the poor, is abolished in the said counties: Therefore, *Be it further enacted by the authority aforesaid*, That the powers conferred and duties imposed by this act, on the overseers of the poor in other counties, are hereby conferred and imposed on the supervisors of the highways in the

The supervisors of the highways in the counties of Chester and Lancaster in-

he said counties of Chester and Lancaster, that the justices of the peace and sheriffs within the said counties are hereby required and enjoined, to pay to the said supervisors, to be applied for the repair of the highways, the aforesaid fines, penalties and forfeitures within the time, and in the manner prescribed by this act, for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid, and that for any neglect or refusal to perform any of the duties enjoined on them by this act, the said justices of the peace and sheriffs in the counties of Chester and Lancaster, shall and hereby are declared to be subject to all the fines, pains, penalties and forfeitures, to which for similar misconduct, the justices of the peace and sheriffs in other counties are by this act made subject and liable.

vested with all the powers of the overseers of the poor in other counties.

Sec. 8. *And be it further enacted by the authority aforesaid*, That all and singular the provisions of this act, respecting the disposal of any fines and forfeitures incurred under the laws of this commonwealth, and now are or hereafter may be in the hands of any justice of the peace, or sheriff of any county within the state, shall be extended to, and be binding on the mayor, alderman and alderman's court of the city of Philadelphia, and the justices of the peace of the township of the Northern Liberties and the district of Southwark; and all fines and forfeitures that have been, or hereafter may be received by the mayor, aldermen, alderman's court and justices of the peace as aforesaid, shall be paid to the guardians of the poor for the city

The foregoing provisions extended to the city of Philadelphia and its suburbs.

city of Philadelphia, the township of the Northern Liberties and the district of Southwark aforesaid, and the constables of the city, township and district aforesaid, shall perform the like services, and be entitled to the like compensations, as the constables of any township within this state are entitled to, for services rendered agreeably to the requisitions of this act, and the mayor, aldermen and alderman's court of the city of Philadelphia, and the justices of the peace of the townships of the Northern Liberties and district of Southwark, shall annually at the settlement of the accounts of the guardians of the poor of said city, township and district, by the auditors appointed for the purpose, exhibit their respective dockets, if required, for the inspection of the said auditors for settlement.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXXXVI.

An ACT *to authorise Deputy Surveyors or Assistants to administer oaths to Chain Carriers.*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly*

sembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for deputy surveyors or their regularly authorised assistants, to administer an oath or affirmation, to the persons employed as chain carriers, obliging each of them to the faithful performance, of the duty of chain carriers.

Deputy surveyors empowered to administer oaths to chain carriers.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

CHAPTER CLXXXVII.

An ACT *to alter and amend the act, entitled "An act to regulate the General Elections "within* this Commonwealth."*

Section 1. BE *it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That any judge of the court of common pleas, alderman or justice of the peace, who may be present at the election, shall administer the oaths or affirmations directed by the act, passed the fifteenth of February, one thousand seven hundred and ninety-nine, entitled "An act to regulate the "general elections of this state," to be taken by the judges, inspectors and clerks of the election,

Judges, inspectors and clerks of elections, by whom to be sworn.

* *Of*, in the original.

tion, but if no judge alderman, or justice of the peace be present at the election, or cannot be conveniently had, one of the judges after first having the oath or affirmation required by the aforesaid act, administered to him by one of the other judges, shall administer the oaths or affirmations to the other judges, and to the inspectors and clerks, and the powers and duties heretofore assigned to agents, shall henceforth cease.

Penalty on assessors neglecting to assess and return persons subject to taxation.

Sec. 2. *And be it further enacted by the authority aforesaid*, That if the assessor of any township, borough or ward knowing a person liable by law to be assessed, shall refuse or neglect to assess and return him to the commissioners of the county, such assessor being thereof convicted before any justice of the peace or court of quarter sessions of the peace, shall for every such refusal or neglect, be fined and pay to the use of the poor, of the city, borough, county or township where the party aggrieved resides, besides the costs of prosecution, any sum not less than twenty nor more than twenty-six dollars, and if in the alphabetical list of taxables, directed by law to be delivered to the inspectors of the several election districts, the commissioners aforesaid, shall wilfully omit to insert the name of any person duly assessed and returned to them by such assessor as aforesaid, and shall be thereof convicted, before any court of quarter sessions, they shall for every such wilful omission be fined and severally pay, besides the costs of prosecution, any sum not exceeding sixty nor less than thirty dollars, to the use of the poor of the city, borough, county or township where the person whose name shall so as aforesaid be omitted, in the said list of taxables

bles resides, and the party aggrieved shall in every case be a competent witness, to prove such refusal, neglect or wilful omission, any law or usage to the contrary thereof, in any wise notwithstanding.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the inspectors of the general election shall be chosen by ballot, at the time and manner as is directed in the second section of the act, entitled "An act to "regulate the general elections within this com-"monwealth," passed the fifteenth of February, one thousand seven hundred and ninety-nine, except as to the time of closing the poll in the city of Philadelphia, the township of the Northern Liberties and the district of Southwark, where the same may be kept open until nine o'clock in the same evening.

Time and manner of choosing inspectors.

Sec. 4. *And be it further enacted by the authority aforesaid*, That no body of troops, being regularly employed in the army of the United States or of this state, shall appear and be present, either armed or unarmed, at any place of election within this state, during the time of said election: *Provided*, That nothing herein contained shall be so construed, as to prevent any officer or soldier from exercising the right of suffrage, in the district to which he belongs, if otherwise qualified agreeably to the laws and constitution of this commonwealth.

No body of regular troops to appear at a place of election.

Sec. 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commissioners of the several counties within this commonwealth, to cause to be delivered to the inspectors of the several election districts within

Commissioners of the several counties, to deliver the tax list to the inspectors, on

the election morning, and penalty for neglect thereof.

within their respective counties, on or before nine of the clock of the morning of the election, a separate alphabetical list of the names and sir names, of all the male taxable persons of each ward, borough and township, inhabiting within the same, who have been assessed for a state or county tax, at least six months before that day; and also a sufficient number of blank forms and returns, made out in a proper manner, and headed as the nature of the election may require, which lists, forms and returns shall be delivered as aforesaid, under the penalty of fifty dollars, on each commissioner for every such neglect thereof.

Of making returns, in cases where counties consist of more than one district or where members of congress, &c. are to be elected.

Sec. 6. *And be it further enacted by the authority aforesaid*, That in cases in which counties consist of more than one election district, or in cases where one or more members of congress, or members of the senate or house of representatives of the general assembly of the commonwealth, are to be elected, and in case of the election of Governor, the judges from each county, and the judges from each election district, whose duty it shall be agreeably to the aforesaid act, to take charge of the certificate or certificates of the elections of said counties or districts, when met, shall at the place and the time appointed by law, cast up the several county or district returns as the case may be, and make duplicate returns of the person or persons chosen for the county or counties, if there is more than one county connected in the election, and one of each returns, if there are more than one, shall be deposited in the prothonotaries office of the county, in which they meet, and one other of the returns under a sealed cover, directed to the Secretary of the commonwealth, shall

be

be by the said judges placed in one of the nearest post offices, and it shall also be the duty of the said judges to transmit to each of the persons elected to serve in congress or in the senate or house of representatives, a certificate of the returns of his election, and each judge who shall attend to cast up and make out the said returns shall be allowed ten cents for every mile, which he shall necessarily travel in performing that service: *Provided however*, That daily wages shall not be allowed to judges or inspectors.

Sec. 7. *And be it further enacted by the authority aforesaid*, That all and every part of the aforesaid act, entitled "An act to regulate the "general elections of this state, passed the "fifteenth of February, one thousand seven "hundred and ninety-nine, which is by this "act, altered, amended, or supplied be, and "the same is hereby repealed and made null "and void."

Repeal of so much of the act of February 7, 1799, as is hereby altered.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

Resolutions.

I.

COMMONWEALTH OF PENNSYLVANIA.

RESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That the clerks of the respective houses shall cause the desks and chairs, the property of this commonwealth, which were lately occupied by congress, and are now in the city of Philadelphia, to be transported to the seat of government, and placed in the room of the desks and chairs now occupied by the general assembly.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—March the thirtieth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

COM-

II.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

RESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That the Governor be, and he is hereby authorised, if he shall judge it necessary for the interest of this commonwealth, to direct the attorney-general, and to employ one other able counsel, to assist such counsel as may be engaged by sundry persons, resident within the supposed manor of Springetsbury, in the county of York, in defending and trying a certain action of trespass and ejectment, sued out against them by the late proprietaries of Pennsylvania, or their heirs, and now pending in the circuit court of the United States, in and for the third circuit and district of Pennsylvania.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

III.

COMMONWEALTH OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES.

April 4th, 1803.

RESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That the trial of Alexander Addison, printed by George Helmbold, shall be distributed in the following manner, viz. To each member of the senate and house of representatives, one copy; to the senate, for the table of the senate, seven copies; to the house of representatives, for the table of the house of representatives, eight copies; to the clerks of the house of representatives, each one copy; and to the clerks of the senate, each one copy.

SIMON SNYDER, *Speaker of the House of Representatives.*

ROBERT WHITEHILL, *Speaker of the Senate.*

APPROVED—April the fourth, 1803:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

Table

Table of the foregoing Acts.

Chapter		Page
XCIV.	An act to re-annex part of Franklin township, in the county of Westmoreland, to the fifth election district in said county.	289
XCV.	An act altering the place of holding the general election in the district composed of Plumb and part of Versailles township, in Allegheny county.	290
XCVI.	An act altering the place for holding elections in the district commonly called Silver Spring district in Cumberland county.	291
XCVII.	An act to erect part of Beaver county, into separate election districts.	*ibid*
XCVIII.	An act to erect Milford township, in the county of Somerset, into a separate election district.	294
XCIX.	A supplement to the act, entitled "An act to erect the town of Lebanon, in the county of Dauphin, into a borough."	*ibid*
C.	An act further to prolong the time for erecting a permanent Bridge over the river Schuylkill, at Philadelphia.	295
CI.	An act to erect part of Greenfield township, in the county of Erie, into a separate election district.	297
CII.	An	

Chapter P.

CII. An act altering the place of holding the general elections in Noblesburgh district, in the county of Allegheny.

CIII. An act to authorise Abraham Landis, to erect a mill-dam in Swatara creek, in the county of Dauphin.

CIV. An act authorising Hugh Beaty, acting administrator of James Beaty, to convey certain lots adjoining New-Berlin, in Northumberland county.

CV. An act to grant James Moore, a fractional part of the reserved tract of land, at the mouth of Big Beaver creek.

CVI. An act to dissolve the marriage contract between Alexander Dick and Catharine his wife, late Catharine Wolf.

CVII. A Supplement to the several acts of Assembly of this Commonwealth, relating to the acknowledgment or proof of deeds and other writings.

CVIII. An act to alter the place of holding the general elections in Buffaloe township, Armstrong county.

CIX. An act to enable the Governor of this Commonwealth, to incorporate a company for opening the navigation of Conecocheague creek, from the mouth of the Falling Spring, in the town of Chambersburgh, to the Maryland line.

CX. An act erecting that part of Pine township, in Allegheny county, not

Chapter Page

not included within the seventh election district, into a separate election district. 313

CXI. An act raise by way of lottery, a sum of money to defray the expence of rebuilding a church in the borough of York. 314

CXII. An act to authorise Charles Smith, of the borough of Lancaster, his heirs and assigns, to erect and maintain a wing-dam in the river Juniata, under certain restrictions. 316

CXIII. A supplement to the act, entitled "An "act to enable the Governor of this "Commonwealth, to incorporate "a company to make an artificial "road from the city of Philadel- "phia, through Germantown, to "the ten mile stone on Chesnut-hill, "and from thence to the new stone "bridge over Perkiomen creek, in "the county of Montgomery." 317

CXIV. An act to erect a new election district in the county of Crawford. 318

CXV. An to enable the Governor of this Commonwealth, to incorporate a company for making an artificial road by the best and nearest route, from the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne. 319

CXVI. An act authorising William Wright, to lead off and use part of the waters of the Susquehanna, on his own land, in York county. 343

CXVII. An act to authorise Samuel Bell and and Nicholas Gerst, their heirs and assigns

Chapter P.

assigns respectively, to erect mill dams on Swatara creek, in the county of Dauphin.

CXVIII. An act for settling the accounts of the trustees of Wayne county, and vesting the powers of said trustees in the county commissioners.

CXIX. An act to vest in Sophia Biddle, for the use of herself and children, certain parts of the forfeited estate of John Biddle, which have not yet come into the possession of this Commonwealth.

CXX. An act appointing four trustees, in addition to those heretofore appointed, for the county of Beaver, and for other purposes.

CXXI. An act to authorise and empower the Commissioners of the county of Somerset, to sell and convey four certain lots of ground, and for other purposes therein mentioned.

CXXII. An act to provide for filling the vacancy in the office of State-Treasurer, occasioned by the death of Jacob Carpenter, esquire.

CXXIII. An act establishing the compensation of the Deputy-Secretary of this commonwealth.

CXXIV. An act to erect a certain election district in the county of Wayne.

CXXV. An act dissolving the marriage between John Alexander and Hannah his wife.

CXXVI. An act to authorise the electors of the sixth election district in the county of Huntingdon, to hold their general elections at the house of James

Chapter		Page
	James Entrekin, at the mouth of Coffee run, on the Raystown branch of Juniata river	357
CXXVII.	Supplement to an act, entitled "An "act to incorporate a company for "the purpose of cutting and mak- "ing a canal between the river De- "laware and Chesapeake bay."	358
CXXVIII.	An act to authorise the surviving commissioners, named in certain commissions of bankruptcy, to proceed in the execution of the said commissions, and for other purposes therein mentioned	359
CXXIX.	An act establishing and confirming the place for holding the courts of justice, and for erecting the public buildings for the county of Butler.	361
CXXX.	An act to raise by way of lottery, a sum not exceeding five thousand dollars, for the purpose of completing the building of the Bustleton academy, in the county of Philadelphia.	365
CXXXI.	A further supplement to the act, entitled "An act to erect the town of "Sunbury, in the county of North- "umberland, into a borough."	
CXXXII.	An act to erect a new election district in the county of Dauphin, and to alter the place of holding the general elections for the [illegible] joining districts.	
CXXXIII.	An act erecting one new e[illegible] trict, and making alteratio[illegible] districts in Northumberl[illegible]	
CXXXIV.	An act to empower Samu[illegible] sell and convey certain	

Chapter P.

in the same act mentioned, and for other purposes.

CXXXV. An act erecting Bethel township, in the county of Berks, into an election district.

CXXXVI. A supplement to the militia law of this commonwealth.

CXXXVII. An act to erect the town of Chambersburgh, in the county of Franklin, into a borough.

CXXXVIII. An act erecting certain election districts in Cumberland county.

CXXXIX. An act to erect the townships of Pennsbury, Kennett, East-Marlborough and Newlin, in the county of Chester, into a separate election district.

CXL. An act to authorise any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams, for mills and other water-works.

CXLI. An act for establishing and confirming the places for holding the courts of justice, and for erecting the public buildings for the county of Mercer.

CXLII. An act to enable the Governor of this Commonwealth, to incorporate a company to make an artificial road from the Rising Sun tavern, through Shoemakerstown, to the Red Lion on the old York road

CXLIII. An act to enable the Governor of this Commonwealth, to incorporate a company for making an artificial

Chapter *Page*

ficial road from the intersection of Front-street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville, on the river Delaware. 418

CXLIV An act to authorise the several courts of Quarter Sessions within their respective counties, to lay off, alter and divide townships, and for other purposes. 439

CXLV. An act to enable the Governor to incorporate a company for making an artificial road, beginning at or near Downingstown, in the county of Chester, to Cornwall furnace, in the county of Dauphin, and from thence to the borough of Harrisburgh. 441

CXLVI. An act for the relief of Dickinson College. 463

CXLVII. An act to authorise the Commissioners of Montgomery county and their successors in office, to raise money by toll for paying a part of the expences of erecting a bridge over Manatawny creek, near Pottsgrove, on the road leading from Philadelphia to Reading. 465

CXLVIII. An act for the relief of Doctor Robert Johnson, 469

CXLIX. A supplement to the act, entitled "An act to empower and direct "Ann M'Farren, John Agnew "and William M'Clean, adminis- "trators of all and singular the "goods and chattels, rights and credits,

Chapter. *P.*

"credits, which were of the "estate of Amos M'Ginley, de- "ceased, to convey certain lands "in Hamilton's bann and Cumber- "land townships, in York county, "to sundry persons to whom the "said Amos M'Ginley was a trus- "tee, and to vest the same in the "grantees."

CL. An act for raising by way of lottery, a sum not exceeding ten thousand dollars, for the purpose of discharging the debts owing by the Trustees of the German religious society of Roman Catholics, of the Holy Trinty church, in the city of Philadelphia, and for providing means to support a school under their patronage.

CLI. An act relating to County Treasurers.

CLII. An act to incorporate that part of the township of the Northern Liberties, lying between the west side of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek.

CLIII. An act directing Sheriffs and Coroners to give sufficient sureties for the faithful execution of their official duties, and for other purposes.

CLIV. An act to enable Martin Hocker, to obtain a title to a lot of land, in the township of Paxton, and county of Dauphin.

CLV. An act for the consolidation and amendment of the laws, as far as they respect the Poor of the city of Philadelphia, the district of Southwark,

Chapter. *Page.*

wark, and the township of the Northern Liberties. 507

CLVI. An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned. 542

CLVII. An act authorising the Secretary of the Land office and the Attorney-General, to recover the fees due on warrants and patents remaining in the Land-office. 567

CLVIII. A Supplement to the act, entitled "An act for the relief of the estate "of Sarah Caldwell." 569

CLIX. An act enabling certain trustees to sell and dispose of the real estate of David Hayes, a lunatic. 571

CLX. A Supplement to the act, entitled "An act to prevent the exportation "of bad or unmerchantable staves, "heading, boards and timber." 573

CLXI, An act to erect certain parts of Westmoreland and Lycoming counties, into a separate county. *ibid*

CLXII. An act granting to Peter Smith and Elizabeth his wife, the donation land to which Nicholas Ungerman, a soldier in the fourth Pennsylvania regiment, was by law entitled. 577

CLXIII. An act to authorise the commissioners of Northumberland county, to sell and convey in fee simple, a certain lot, in the borough of Sunbury. 579

CLXIV. An act affording compensation to Benjamin Alexander, Thomas M'Millan and others, for ascertaining the centre of Mercer county. 580

CLXV.

Chapter. *Page.*

CLXV. An act declaring the west and westermost branches of Schuylkill, in the county of Berks, public highways. 582

CLXVI. A further Supplement to the act entitled "An act to establish the "judicial courts of this Common-"wealth." 583

CLXVII. An act changing the appropriation to improve the road from Turtle Creek to Pittsburg. 584

CLXVIII. An act to provide for reducing and limiting the number of Associate Judges of the courts of common pleas. 585

CLXIX. An act for altering the place of holding elections in the fifth district, in the county of Lancaster. 587

CLXX. An act authorising the Judges of the court of common pleas of Northampton county, to hold two additional courts annually, in the said county. 589

CLXXI. A Supplement to the act, entitled "An act to complete the benevo-"lent intention of the Legislature "of this Commonwealth, by distri-"buting the donation lands to all "who are entitled thereto." 590

CLXXII. An act securing to mechanics and others, payment for their labor and materials in erecting any house or other building, within the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties. 591

CLXXIII. An act for establishing an Health-Office, and to secure the city and port of Philadelphia from the introduction

Chapter. *Page.*

duction of pestilential and contagious diseases. 593

CLXXIV. An act to vest in the devisees of James Parrock, deceased, such parts of the forfeited estate of John Parrock, which have not been sold by this Commonwealth 620

CLXXV. An act to direct the sale of certain unimproved lots, the property of this Commonwealth, in the city of Philadelphia, and to appropriate the proceeds thereof towards the erection of a building for the purpose of more completely carrying into effect the penal laws of this State. 621

CLXXVI. A Supplement to the act, entitled "An act to enable the Justices of "the Supreme Court, to hold circuit courts within this Common-"wealth." 623

CLXXVII. An act relating to the claim of this Commonwealth, against Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, esquire, deceased. 626

CLXXVIII. An act to organise the provisional counties of Beaver, Butler, Mercer and Erie, for judicial purposes. 637

CLXXIX. An act to erect part of South Irwin township, in the county of Venango, into a separate election district. 643

CLXXX. An act erecting certain election districts in the county of Crawford. 644

CLXXXI. An act to establish and confirm the place for holding the courts of Justice, and to provide for erecting the public buildings, for the use of Armstrong county. 646

CLXXXII.

Chapter. *Page.*

CLXXXII. An act making certain appropriations, and to enable the Governor of this Commonwealth, to negotiate certain Loans, and for other purposes therein mentioned. 651

CLXXXIII. An act for laying out competent Districts for the Appointment of Justices of the Peace. 65[illegible]

CLXXXIV. An act declaring the Shenango or Pymatuning creek, a public stream or highway. 6[illegible]

CLXXXV. An act to empower the overseers and guardians af the poor, of the several townships within this Commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes. 6[illegible]

CLXXXVI. An act to authorise Deputy Surveyors or Assistants, to administer oaths to Chain Carriers. 6[illegible]

CLXXXVII. An act to alter and amend the act, entitled "An act to regulate the "General Elections within this "Commonwealth." 6[illegible]

RESOLUTIONS.

1. A resolution authorising the transportation of the desks and chairs, the property of this Commonwealth, which were lately occupied by Congress, from the city of Philadelphia, to the seat of government.

2. A resolution empowering the Governor to employ counsel, if he shall think proper, to assist in defending a certain action of trespass and ejectment by the late proprietors of Pennsylvania, against sundry persons resident within the supposed manor of Springetsbury, in the county of York, in the circuit court of the United States.

3. A resolution respecting the distribution of certain copies of the trial of Alexander Addison.

INDEX.

A.

ABATEMENT.

Of certain suits in Westmoreland county on official bonds, provided against - - - p. 103

ACTS.

An act declaring the holding of offices or appointments under this state, incompatible with the holding or exercising offices or appointments under the United States - - - p. 37
An act to enable James Wickersham, Samuel Garretson and Ezekiel Kirk, to convey a certain piece of land, in the township of Newbury, York county - - - - p. 64
An act authorising the sale of provisions, vegetables and fruit, in the markets of any city, borough or corporate town within this commonwealth - - - - p. 265
A supplement to the act, entitled "An act to prevent the exportation of "bad or unmerchantable staves, heading; boards and timber" p. 573

ADAMS COUNTY.

Certain lands therein exonerated from interest on the purchase-money, on condition that the present purchasers take out their patents within three years - - - - p. 84

ADDISON, ALEXANDER.

A resolution respecting the distribution of certain copies of his trial p. 676

ADMINISTRATORS.

Administrators de bonis non, empowered, in certain cases, to convey lands of the first intestate - - - p. 133
In what cases the sheriff of the county shall convey p. 134

ALDERMEN.

Of Philadelphia empowered to take the acknowledgment of deeds and the separate examination of femes covert p. 305
Compensation for said services - - p. 306

I N D E X.

ALEXADER, BENJAMIN.

Act affording compensation to him and others for ascertaining the centre of Mercer county - - p. 589

ALLEGHENY COUNTY.

Election districts in p. 92, 126, 313, 290, 293

ALLEN township. See Church, Northampton County.

ALEXANDER, JOHN.

The marriage of, with Hannah Alexander, dissolved p. 356

APPOINTMENTS.

Act making certain offices or appointments under this state, incompatible with offices or appointments held under the United States p. 57

APPROPRIATIONS.

For certain debts and the expences of government for the year 1802 p. 272

For the year 1803 - - - p. 654

ARMSTRONG COUNTY.

Seat of justice therein to be fixed by commissioners p. 171

Election districts - - p. 111. 306

Seat of justice in said county established and confirmed p. 646

ARNOLT, PETER.

Authorised to erect a mill-dam across Raystown branch of Juniata p. 123

ATTAINDER.

Such part of the forfeited estate of John Biddle, as hath not been applied to the use of the commonwealth, vested in his widow Sophia Biddle, for the use of herself and children - p. 348

Such parts of the forfeited estate of John Parrock as have not been sold by the commonwealth, vested in the devisees of James Parrock, deceased - - - p. 620

ATTORNEY-GENERAL.

To be assisted by counsel in certain cases p. 160, 982, 675

To give his opinion on any questions submitted to him by the Luzerne commissioners - - - p. 204

Authorised with the secretary of the land-office, to recover the fees due on warrants and patents remaining in the land-office p. 567

To require the representatives of David Rittenhouse, deceased, to pay certain monies, in their hands, into the state treasury, and in default thereof to bring suit for the same p. 655

INDEX.

B

BAILEY, FRANCIS.

ppointed printer of the treasurer's statement of the receipts and expenditures for the year 1802 - p. 280
ılance due him for printing provided for - p. 274

BANGOR CHURCH.

n act in aid of the congregation of Bangor church, in Carnarvon township, Lancaster county - - p. 132

BANK OF PENNSYLVANIA.

rovison for the payment of the first instalment of the loan due said bank, 13th April, 1802 - - p. 143
overnor authorised to negotiate certain loans with said bank p. 651-2

BANKRUPTCY.

he survivors in any commission of, authorised to proceed in executing the same - - - p. 359
ew commissions may be issued in certain cases p. 360

EAR, Jacob. See Churches.

BEAVER.

own of, erected into a borough - p. 116
our additional trustees appointed for the county of p. 349
lection districts - - p. 292
he act organising Beaver county - - p. 637

BEATY, JAMES.

he administrator of, authorised to convey certain lots in Northumberland county - - - p. 300

BEDFORD COUNTY.

lection districts in - - p. 58, 131

BELL, SAMUEL.

uthorised to erect a mill-dam on Swatara creek p. 345

BERKS COUNTY.

he judges of the common pleas in said county empowered to hold adjourned courts for three years - p. 140
lection districts - - - p. 54, 377

BERREL, JOHN.

ct for the relief of - - p. 55

BIDDLE, SOPHIA.

n act to vest in her, for the use of herself and children, certain parts of the forfeited estate of John Biddle, which have not come into the possession of the commonwealth - p. 348

I N D E X.

BIG BEAVER CREEK.

Two hundred acres of land at the mouth of, granted to James Moore p. 5[illegible]

BINNY, Barnabas. See Department of Accounts.

BLYTH, DAVID.

The heirs of David Blyth and others to receive conveyances for certain lands in York county - - p. 471

BONAVENTURE D'ARTOIS, PETER.

Such part of his estate as hath escheated to the commonwealth, vested in the trustees of St. Mary's church in Philadelphia p. 14[illegible]

BOROUGH. See Incorporation.

BRIDGES. See Roads and Rivers.

BRYAN, GEORGE.

Balance due him provided for - - p. 274

BUSTLETON ACADEMY.

For completing the building of, a sum not exceeding five thousand dollars, to be raised by way of lottery - p. 58[illegible]

BUTLER COUNTY.

Seat of justice therein, to be fixed by commissioners p. 17[illegible]
Seat of justice established and confirmed - p. 5[illegible]
The act organising Butler county - - p. 83[illegible]

C

CALDWELL, SARAH.

Act for the relief of her estate - - p. 1[illegible]
Supplement thereto - - - p. 56[illegible]

CALHOUN, William. See Lancaster.

CALHOUN, JAMES.

An annuity of forty dollars granted to him and Isaac Wiley for life p. 12[illegible]

CANALS. See Roads and Rivers.

Extention of the time for receiving subscriptions for cutting a canal between the river Delaware and Chesapeake bay p. 38[illegible]

CANONSBURGH.

Town of incorporated - - p. 6[illegible]
A college established there - - p. 9

CAREY AND BIOREN.

The Governor empowered to subscribe for one thousand copies of the edition of the laws of Pennsylvania - p. 26[illegible]
Sum appropriated to pay for said copies - p. 6[illegible]

INDEX.

CAVEATS.

The operation of caveats entered in the land-office limited p. 21

CENSUS.

The Governor to apply for a copy of the census of this state to the secretary of state of the United States - p. 278

CENTRE COUNTY.

Election districts in - - p. 17, 90

CHAMBERSBURGH.

The town of, in the county of Franklin, erected into a borough p. 379

CHESAPEAKE Bay. See Roads and Rivers.

CHESTER COUNTY.

Election districts in - - p. 588
The judges of the common pleas in the county of Chester, empowered and required to hold two additional courts annually p. 583
When to commence and how long continue - p. 584
Act limited - - - - *ibid*

CHURCH.

English Presbyterian, in Allen township, Northampton county, the trustees of, empowered to convey a piece of land to Jacob Bear p. 97
Bangor in Carnarvon township, Lancaster county, act in aid of p. 132
Catholic of St. Mary's, in Philadelphia, vested with the escheated estate of Peter Bonaventure d' Artois - p. 141
Expence of rebuilding one, in the borough of York, to be defrayed by way of lottery - - - p. 314
Holy Trinity, in the city of Philadelphia, trustees of, authorised to raise ten thousand dollars by way of lottery, for the use of said church p. 473

COLLEGE.

Established at Chambersburgh - - p. 8
Dickinson, act for the relief of - - p. 463

COMMISSIONERS.

Of Somerset county, authorised to sell and convey certain lots of ground in the town of Somerset - - p. 351
Powers of the trustees of Wayne county, vested in the county commissioners - - - - p. 347
Surviving named in certain commissions of bankruptcy, authorised to proceed in the execution of the said commissions p. 359
Of lotteries - - p. 314, 365, 473
Of Montgomery county, authorised to receive toll for passing the bridge over Manatawny creek - - p. 465
Of Northumberland county, empowered to sell and convey a certain lot in Sunbury - - - p. 579
County commissioners to furnish the inspectors of elections with the tax list - - - p. 671

COMPTROLLER-

INDEX.

COMPTROLLER-General. See Department of Accounts.

CONECOCHEAGUE CREEK.

Navigation of, to be opened from the mouth of the Falling Spring, in the town of Chambersburgh, to the Maryland line p. 307
The waters of, not to be obstructed or diverted by the corporation of Chambersburgh - - - p. 386

CONGRESS.

Members of, act providing for their election - p. 146

CONNECTICUT TITLE.

No conveyance of lands within Luzerne, Lycoming and Wayne counties, shall pass any estate, where the title is not derived from this state or the proprietaries, before the 4th of July, 1776 p. 198
Persons interested in the Connecticut title, disqualified to act as judge or juror, where said title may come in question, and sheriff finable for summoning such persons - - - p. 199
The Seventeen townships exempted from the penalties and disabilities created by this act, except so far as relates to *judges*, *sheriffs* or jurors - - - - p. 200
Penalty on persons selling or purchasing land under the Connecticut title, or either of the land companies - *ibid*
Applications of Connecticut claimants received at the land-office, although after the time limited by law, to be acted upon p. 202
Vendees of such claimants to be admitted to the same benefits as their vendors - - - - *ibid*
In certain specified instances such claimants may be represented by attorneys or agents - - - p. 203
Connecticut claimants applying for a certificate, under the act of 4th April 1799, to deliver up all title papers - p. 206

CORONERS.

How purchasers at sheriff's or coroner's sales are to obtain possession p. 266
To give security for the faithful execution of their official duties p. 497
To execute the office of sheriff, in case of a vacancy by death or removal, until another be appointed - - p. 503

CORPORATION. See Incorporation.

COUNSEL.

Additional to be employed, to assist the attorney-general, in certain suits wherein the commonwealth is interested p. 160, 282, 675

COUNTY TREASURERS.

Not to serve longer than three years in any term of six years p. 476
Agents to be appointed for adjusting their accounts p. 49
See Treasurers.

COURTS.

Judges of the supreme court to devise a form of action for trying certain

certain questions relative to disputed titles to lands north and west of the Ohio, &c. - - - p. 156
The March and December terms in the supreme court enlarged p. 166
Prothonotary of, his office taxed - - p. 3
Judges of the common pleas in Berks county empowered to hold adjourned courts - - - - p. 140
Courts for the county of Wayne, to be held at the town of Milford, for three years - - - p. 165
Courts of quarter sessions, within their respective counties, authorised to lay off, alter and divide townships - p. 439
Two additional courts of common pleas to be held annually in the county of Chester - - - p. 583
The number of associate judges, in the several counties, limited in future to three - - - p. 586
Two additional courts to be held annually in the county of Northampton - - - - p. 589
When to commence and how long continue - p. 590
The act limited to three years - - *ibid*

COX, MICHAEL.

Act for the relief of - - p. 62

CRAWFORD COUNTY.

Seminary of learning to be established at Meadville in Crawford county - - - p. 161
Election districts - - - p. 318, 644-5

CREEKS. See Roads and Rivers.

CULNAN, CHARLES.

Balance due him provided for - - p. 274

CUMBERLAND COUNTY.

Treasurer of, to advance 6000 dollars to the trustees of Dickinson college - - - p. 464
Election districts - - p. 79, 291, 387

D

DAUPHIN COUNTY.

Election districts in - - p. 170, 369
An act to enable Martin Hocker, to obtain a title to a lot of land, in said county - - - - p. 506

DEEDS.

Acknowledgment of, may be made before the Aldermen of the city of Philadelphia - - - p. 305

Where

Where a sheriff by virtue of an execution issued from the supreme or circuit court, sells lands, &c. and dies or is removed before making a deed to the purchaser, how the title is to be obtained p. 61.

DELAWARE AND SCHUYLKILL CANAL.

Act for, revived and continued for five years - p. 133

DEPARTMENT OF ACCOUNTS.

Agents to be appointed (for whose conduct the comptroller and register-generals to be accountable) for adjusting the accounts of county treasurers - - - p. 49

Agents duties, powers and compensation - p. 50.

Comptroller and register-general to lay before the legislature a statement of the progress made in the settlement of county treasurers accounts - - - p. 273

The comptroller-general empowered to employ counsel to assist the attorney-general in certain suits wherein the commonwealth is interested - - - - p. 282

Powers of the register and comptroller, in compelling prothonotary of the supreme court to furnish his account for settlement and pay the same p. 4

To liquidate the accounts of the Luzerne commissioners p. 164

To receive certain certificates from the representatives of David Jackson and Barnabas Binney, deceased - p. 112

Printer of their reports appointed - - - p. 2[illegible]

The powers of the comptroller and register-general under the act to facilitate the settlement of the accounts of former and present county treasurers, for arrears of state taxes, passed 5th February, 1802. renewed and continued 'till 4th March 1804 - p. 655

They are to lay before the legislature on the 1st day of January 1804. a statement of the progress made in the settlement of said accounts p. 655

How they are to proceed in redeeming certain certificates [illegible]

The comptroller-general directed to deposit with the state treasurer certain certificates received, or which may be received, from the late comptroller-general - - p. 657

The accountant officers authorised to examine and adjust the state treasurer's accounts on the books of the bank of Pennsylvania p. 658

DEPUTY-SECRETARY.

Provision for continuing his salary - - p. 273

Act establishing his compensation - - p. 334

DEPUTY-SURVEYORS.

Authorised to administer oaths to chain-carriers - p. 658

DICK, ALEXANDER.

His marriage dissolved - - p. 3[illegible]

DICKINSON COLLEGE.

Act for the relief of - - p. 463

DISCONTINUANCE.

Of certain suits in Westmoreland county on official bonds, provided against - - - - p. 103
Suits depending, not to be discontinued by reason of the nonattendance of the judges - - - p. 207

DISTRICTS.

The several counties to be laid out into suitable districts for the appointment of justices of the peace - p. 659

DIVORCE.

Of John Kunius and wife - - p. 138
Of David M'Kissick and Margaret his wife - p. 130
Of Alexander Dick and Catharine his wife - p. 303
Of John Alexander and Hannah his wife - p. 356

DICKSON, WILLIAM AND ROBERT.

Balance due them for printing provided for - p. 274
Appointed printers of the comptroller and register-general's statement of the finances - - - p. 280

DONATION LANDS.

Further provision in favour of those who have not received their donation lands - - - p. 149
Continued for one year - - p. 590
Certain, granted to Peter Smith and Elizabeth his wife p. 578

E

EASTON.

Time of erecting a bridge over the Delaware at Easton, extended for seven years - - - p. 89
Turnpike road from, to Wilkesbarre, in the county of Luzerne p. 319

ELECTIONS.

For electors of president and vice-president of the United States, act providing for - - - p. 82
For senators, in the senate of the United States p. 52
Election of a senator, to the senate of the United States, in the room of Peter Muhlenbergh, esquire, resigned - p. 276
Elections of representatives in the congress of the United States, regulated - - - p. 145
By whom the oaths are to be administered to the judges, inspectors and clerks of elections - - p. 669

Penalty on assessors neglecting to assess and return to the county commissioners persons liable to be taxed, and on commissioners wilfully omitting to insert in the tax lists to be delivered to the inspectors of elections, the name of any person duly assessed p. 670
When and how inspectors of the general election are to be chosen p. 671
Penalty on county commissioners neglecting to deliver the tax list, to the inspectors, on the election morning - ibid
How returns are to be made, where counties consist of more than one district, or where members of congress, &c. are to be elected p. 672

ELECTION DISTRICTS.

Deer township in Allegheny county - - - p. 82
M'Keesport in Allegheny county - - p. 126
Second election district in Westmoreland county p. 85
District composed of Wheatfield and part of Fairfield townships, in Westmoreland county, where elections to be held ibid
Penns township, in Northampton county, erected - p. 15
Southampton township in Somerset county - p. 16
Half Moon and Patton townships in Centre county p. 17
The seventh and eighth election districts established in Montgomery county - - - p. 18
Lower Soucon township, in Northampton county, made an election district - - - p. 151
The eighth district, in Bedford county, established - ibid
Mahantango township, in Berks county, to be an election district p. 54
Conemaugh township in Somerset county - p. 60
Allegheny township in Armstrong county - p. 111
West Hanover township in Dauphin county - p. 170
Dunbar township, in Fayette county, annexed to the fourth district p. 163
Place of elections in the fifth district of Bedford county p. 58
Within the fourth district of Northampton county p. 78
Within the fifth district of Cumberland county - p. 79
The fifth, sixth, seventh, eighth and ninth districts in York county, erected - - - - p. 61
The following townships, in Mercer county, erected into election districts, 1st Woolf Creek, 2d Cool Spring, 3d Sandy Creek, 4th Salem, 5th Pymatuning and part of Neshanock, 6th residue of Neshanock p. 86-7
Place of holding elections, whithin Wyalusing district, Luzerne county - - - - p. 99
Within the fourth district, Centre county - ibid
The ninth district, in Lancaster county, established p. 136
Part of Franklin township, in Westmoreland county, re-annexed to the fifth election district - - p. 288

INDEX.

The following townships erected into election districts, to wit:

The township of Milford in Somerset county - p. 294
Part of Greenfield township in the county of Erie p. 297
Part of Pine township in Allegheny county - p. 313
The township of Rockdale in Crawford county - p. 318
The townships of Mahoning and Hemlock, in Northumberland county p. 371
Bethel township in the county of Berks - p. 377
Tyrone and Teboyne townships, severally, in the county of Cumberland - - - - p. 387
Pennsbury, Kennet, East-Marlborough and Newlin townships, in the county of Chester - - - p. 388
Place of holding elections, in the district composed of Plumb and part of Versailles township, in Allegheny county - p. 290
In East-Pennsborough and Allen townships, in Cumberland county p. 291
Boundaries of two election districts, in the county of Beaver p. 292
A certain part of Beaver county, annexed to Beavertown election district - - - - - p. 293
Another part to the Georgetown election district - *ibid*

Place of elections.

In Noblesburgh district, Allegheny county - p. 298
In Buffaloe township, Armstrong county - p. 306
In the sixth election district, Huntingdon county p. 357
In Middle Paxton township, and in Upper Paxton township, Dauphin county - - - p. 370
In the sixth district, Northumberland county - p. 371
The boundaries of a new election district, in Dauphin county p. 369
Saint Tamany district, Wayne county, erected - p. 355
The lines of New-Berlin district, in Northumberland county, altered p. 371
Place of holding elections, in the fifth district, Lancaster county p. 588
Within part of Warwick township - - - *ibid*
Within the ninth district - - p. 589
Part of the fifth annexed to the ninth district - *ibid*
South Irwin township, in the county of Venango, erected into an election district - - - p. 643
Election districts in the county of Crawford, 1st The townships of Beaver and Cussewago: 2d Part of Conneaut and Sadsbury: 3d The townships of Shenango, Followfield and the residue of Conneaut: 4th Fairfield township - - p. 644-5

ELLICOT, ANDREW, ESQUIRE.

To have the use of a telescope, the property of this state, during the pleasure of the legislature - - p. 285

I N D E X.

ERIE COUNTY.

Election districts in - - p. 297
The act organising - - p. 657

ERRINGER, CATHARINE.

Her estate ordered to be sold and the proceeds to be applied to her support - - - p. 312
ESTRESSEMENT, Writ of. See Waste.

EXECUTIVE DEPARTMENT.

Expences of, for 1802, provided for - p. 273
An account of said expences to be exhibited to the legislature p. 274
Expences of the year 1803 provided for - p. 654

EXECUTORS.

And administrators authorised, in certain cases, to convey lands sold by their decedents, by order of orphans court - p. 153

F

FAYETTE COUNTY.

Election districts in - - p. 163

FEMES COVERT.

Private examination of, may be taken before the aldermen of Philadelphia - - - p. 305

F I N E S.

Certain fines, penalties and forfeitures how to be recovered p. 662

FISHER, MIERS.

Miers Fisher and W. White, trustees of William Hill and wife, empowered to assign over the personal estate vested in them p. 48
FORFEITED Estates. See Attainder.

FRENCH CREEK.

A toll bridge to be erected over it, by Marcus Hulings p. 167

G

GARANGER, LEWIS.

Act for the relief of - - - p. 91
GARRETSON, Cornelius. See Acts.

GERST,

GERST, NICHOLAS.

thorised to erect a mill-dam on Swatara creek - p. 345

GOVERNOR.

thorised to discharge the first instalment of the loan from the bank of Pennsylvania, due April 1802 - p. 143
appoint commissioners to run the new boundary line between Washington and Greene counties - - p. 20
appoint counsel to assist the attorney-general in the trial at Sunbury, relative to disputed titles to lands north and west of the Ohio, &c. p. 160
quested to apply to the secretary of state of the United States, for a copy of the census of this state - p. 278
correspond with the executive of Maryland, respecting the navigation of the Susquehanna - - p. 286
npowered to call out the militia, when occasion may require it p. 240, 243
appoint commissioners to fix on places for the seats of justice in the counties of Armstrong, Butler and Mercer - p. 171
subscribe for Carey and Bioren's edition of the laws p. 264
npowered to contract for the improvement of a certain part of the great road between Bedford and Pittsburgh p. 586
employ counsel to assist in defending a certain action of trespass and ejectment by the late proprietaries of Pennsylvania, against sundry persons resident within the supposed manor of Springetsbury, in the county of York, and now pending in the circuit court of the United States - - - p. 675
uthorised to negotiate certain loans with the bank of Pennsylvania, or any other bank within the city of Philadelphia p. 651, 2, 3
bjects of the loans and funds pledged for their repayment *ibid*
case one of said loans can't be obtained, he may sell deferred stock of the United States, the property of this state p. 653

GREENE COUNTY.

undary line between Washington and Greene counties altered p. 20

GUNPOWDER.

pplement to "An act for securing the city of Philadelphia and the "neighbourhood thereof, from damage by gunpowder," and also to "An act for providing for the inspection of gunpowder p. 127

H

HARBOUR MASTER.

the port of Philadelphia, how to be appointed p. 550
s powers, duties and compensation - p. 551-2

INDEX.

HAYS, DAVID.

Certain trustees authorised to sell his real estate or so much thereof as may be necessary for his maintainance - p. 57

HEALTH OFFICE.

The health laws, so far as respects vessels, goods and passengers coming from any port or place in the state of Delaware, altered and amended - - - p. 2

An act for establishing an health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases - - - p. 5.

HIGHWAYS. See Roads and Rivers.

HILL, WILLIAM.

Act for the relief of him and wife - p. 45

HOCKER, MARTIN.

Enabled to obtain a title to a lot of land in the township of Paxton, and county of Dauphin - - p. 5

HOUSES.

Within the city of Philadelphia and its suburbs, subjected to the payment of all debts contracted in their erection p. 5

Such debts not to remain a lien longer than two years from the commencement of the buildings - - p. 56

Act limited to three years - - 10

HOUSE OF EMPLOYMENT.

The vacant lots in Philadelphia, belonging to the state, to be sold, and the proceeds thereof appropriated to the erection of a new prison or house of employment - - p. 6

HULINGS, MARCUS.

Authorised to erect a toll bridge over French creek, in the town of Franklin - - - p. 167

HUNTINGDON COUNTY.

Election districts in - - p. 357

IJ

JACKSON, David. See Department of Accounts.

INCORPORATION.

Of the town of Beaver, in the county of Beaver p. 1

Of the town of Canonsburgh, in the county of Washington p. 6

Of the town of Chambersburgh, in the county of Franklin p. 37

Of

INDEX.

the Magdalen society, in the city of Philadelphia p. 106
vilege of holding fairs granted to the borough of Sunbury p. 18
ilar privilege granted to the borough of Lebanon p. 294
part of the Northern Liberties incorporated p. 476
further supplement to the act, entitled "An act to erect the town of Sunbury, in the county of Northumberland, into a borough" p. 367

INDIANA COUNTY.

rts of Westmoreland county erected into a new county, to be called Indiana county - - p. 574

SPECTORS. See Elections.

JOHNSON, ROBERT, DOCTOR.

ct for the relief of - - p. 469

JOURNALS.

the senate and house of representatives, how to be distributed p. 175

JUDICIARY DEPARTMENT.

he judges of the common pleas, in Berks county, empowered to hold adjourned courts - - - p. 140
ct limited to three years - - *ibid*
he courts of Wayne county, to be held, for three years, at Milford p. 165
dges of the supreme court to devise a form of action for deciding certain questions relative to disputed titles to lands north and west of the Ohio river, &c. - - p. 156
nlargment of the March and December terms in the supreme court p. 166
rothonotary of, his office taxed - p. 3
ustices of the peace to reside within the district for which they were appointed - - - p. 75
enalty on their keeping tavern or holding their offices in a tavern *ibid*
he discontinuance of certain suits in Westmoreland county, on official bonds, provided against - - p. 103
he aldermen of Philadelphia, empowered to take the acknowledgment of deeds, &c. - - - p. 305
n act to authorise the several courts of quarter sessions, within their respective counties, to lay off, alter and divide townships, and for other purposes - - - p. 439
wo additional courts of common pleas to be held annually in the county of Chester - - p. 583
he number of associate judges within the respective counties, in future, not to exceed three - - p. 586
The judges of the common pleas, in Northampton county, to hold two additional courts annually - - p. 589

Where

Where a sheriff, by virtue of an execution issued from the supreme or circuit court, sells lands, &c. and dies or is removed before making a deed to the purchaser, how he is to proceed to obtain the title p.
A writ of estressement to prevent waste may be issued in vacation on affidavit filed - - - p. 6

JUNIATA RIVER.

A wing-dam to be erected thereon, by Charles Smith, of the borough of Lancaster - - - p. 51

JUSTICES OF THE PEACE.

To reside within the limits of the district for which they are commissioned - - - p.
Not to keep tavern or hold their offices in a tavern
An act for laying out competent districts for the appointment of justices of the peace - - p. 65

K

KUNIUS, JOHN.

His marriage dissolved - - p. 131

L

LANCASTER COUNTY.

The trustees of the Moravian society, in Mountjoy township, Lancaster county, empowered to convey a certain piece of land to Henry Mayer p. 92
A certain tract of land in Drumore township, Lancaster county, to be sold for use of said township - p. 105
Election districts - - p. 136, 588-9
An act in aid of the congregation of Bangor church, Lancaster county p. 132

LANDIS, ABRAHAM.

Authorised to erect a mill-dam on Swatara creek, in Dauphin county p. 298

LAND-OFFICE.

Officers of, to ascertain the number of undrawn and unappropriated donation lots of land - - p. 150
How to proceed in satisfying the claims of applicants entitled to donation lands - - - p.
Duties

ies enjoined on the surveyor-general - p. 151
ers of the board of property, relative to donation lands *ibid*
es relative to, to be delivered to the land officers p. 152
widows and heirs of deceased officers and soldiers to be entitled to
nds - - - *ibid*
itation for making applications - *ibid*
tinued for one year - - - p. 590
operation of caveats entered in the land-office, against the issuing
f patents, limited - - - p. 21
ie for patenting lands extended 'till 1st January, 1804 p. 24
ie for making application for warrants, extended to the third of
pril, 1805 - - - p. 25
id officers to issue warrants for islands in the Susquehanna, agreeably
o the directions of the act of sixth of March, 1793 p. 96
e board of property authorised to examine the claims of Doctor
Robert Johnson, and to grant him a patent for donation land p. 470
arrants not to issue from land-office for lands for which warrants have
heretofore been issued - - p. 159
e secretary of the land-office and the attorney-general authorised to
recover the fees due on warrants and patents remaining in the land-
office - - - p. 567
icers of the land-office to issue a patent for donation land to Peter
Smith and wife - - p. 578

LANDS.

rtain, in Adams county exonerated on certain conditions from part of
the interest on the purchase money - p. 84

LATROBE, BENJAMIN H.

lance due him for improving the navigation of the river Susquehanna,
provided for - - p. 274

LAWS.

ws and journals how to be distributed p. 173
ow printed - - p. 281
he Governor empowered to subscribe for one thousand copies of Carey
and Bioren's edition of the laws of Pennsylvania p. 264

LEBANON.

he privilege of holding fairs granted to the burgesses, &c. of the bo-
rough of Lebanon - - p. 294

LOTTERY.

anted to raise money for rebuilding a church in the borough of
York - - - p. 314
or completing the building of the Bustleton academy, in the county
of Philadelphia - - p. 365
or raising ten thousand dollars for the use of the trustees of the Holy
Trinity church, in the city of Philadelphia p. 473

INDEX.

N

NICHOLSON, JOHN.

Certain certificates to be received from the representatives of his ... ties - - - p.

NON-RESIDENTS.

The tenants of, liable for road taxes - p.

NORTHAMPTON COUNTY.

Trustees of the English Presbyterian church, in Allen township, Northampton county, empowered to convey a piece of land to Jacob Be... p.

Election districts - - p. 15, 78.

Two additional courts to be held annually in said county p. ...

NORTHERN LIBERTIES.

That part of them lying between the west side of Sixth-street and ... river Delaware, and between Vine-street and Cohocksink creek incorporated - - - p. 4...

NORTHUMBERLAND COUNTY.

The administrator of James Beaty, late of said county, deceased, empowered to convey certain lots therein to the purchasers p. ...

A supplement to the act, entitled "An act to erect the town of S... "bury, in the county of Northumberland, into a borough" p. ...

A further supplement to said act - p. ...

Election districts - - p. ...

Commissioners of, empowered to sell and convey a certain lot in ... borough of Sunbury - - p. 5...

NUISANCES.

Penalty for committing nuisances on the highways p. ...

O

OFFICES.

Or appointments of profit or trust, held under the United States, declared incompatible with the holding of certain offices under the state of Pennsylvania - - p. ...

ORPHANS COURT.

Where by virtue of an order of orphans court, an administrator sells real estate of his intestate and dies before a conveyance is made, how a deed is to be obtained by the purchaser - p. ...

INDEX.

P

PARROCK, JOHN.

Such parts of his forfeited estate as have not been sold by the commonwealth, vested in the devisees of James Parrock, deceased p. 620

PATENTS.

Time for patenting lands extended - p. 24

PEALE, CHARLES W.

Authorised to occupy the east end of the state-house, for the use of his museum - - - p. 283

PENNSYLVANIA BANK.

Provision for the payment of the first instalment of the loan due said bank 15th of April, 1802 - p. 143
The Governor empowered to obtain certain loans from this or any other bank within the city of Philadelphia p. 651, 2, 3
Loans to what purposes to be applied and funds pledged for their repayment - - - *ibid*

PENNSYLVANIA CLAIMANTS.

What description of, shall be entitled to the benefits of the act of the 4th of April, 1799 - - p. 201
Penalty on such claimants refusing to release to the commonwealth under the provisions of said act - p. 205

PHILADELPHIA.

Treasurer of the city corporation to be appointed annually by the joint votes of the select and common councils - p. 7
Magdalen society in the city of Philadelphia, incorporated p. 106
Duties enjoined on the inspector of Gunpowder in and for the port of Philadelphia - - - p. 127
To inspect gunpowder at manufactories within the county of Philadelphia - - - - p. 128
The east end of the state-house granted to Charles W. Peale, for the use of his museum - - p. 283
Aldermen of the city of Philadelphia, authorised to take the acknowledgment of deeds for real property within said city, and the private examination of femes covert - p. 305
What removal of a military officer from the city shall amount to a forfeiture of his commission - - p. 377
The trustees of the German religious society of Roman Catholics, of the Holy Trinity church, in Philadelphia, authorised to raise 10,000 dollars for the use of said church, by way of lottery p. 473
The escheated estate of Peter Bonaventure d'Artois, vested in the trustees of St. Mary's church in Philadelphia - p. 141

An

INDEX.

An act for the consolidation and amendment of the laws, as far as they respect the poor of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties p. 507 to 541
An act to establish a board of wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned - - - p. 542
Debts contracted in the erection of houses within the city of Philadelphia and its suburbs, to be a lien thereon for two years from the commencement of said buildings - p. 591-2
Certain unimproved lots the property of the commonwealth, in the city of Philadelphia, directed to be sold and the proceeds thereof appropriated to the erection of a building for the purpose of more completely carrying into effect the penal laws of this state p. 621
The act for establishing an health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases - - p. 593

PILOTS.

How to obtain and qualifications necessary to entitle them to licences; rates of pilotage and mode of recovering p. 552 to 564
In what instances they shall not be obliged to perform quarantine, and where they shall - - p. 619

POOR.

Act to provide for the education of poor children gratis p. 76
The last legal settlement of persons under the poor laws, not to be affected by the division of townships - p. 440
The act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia and its suburbs. p. 507
All former laws on the subject repealed - p. 541
An act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes p. 662

PRESIDENT AND VICE-PRESIDENT.

Elections of, act providing for their election - p. 32

PRINTERS.

Of the reports of the state treasurer, the comptroller and register-general, appointed - - p. 280
Of printing the laws, journals and bills - p. 281
Of the laws and journals, when to deliver them at the Secretary's office p. 173, 175

PROTHONOTARY.

Of the supreme court, his office taxed - p. 3
Compensation of prothonotaries for making return of the election of electors for president of the United States - p. 35
How they are to distribute the laws and journals p. 176

PROVISIONS.

Sale of, in the markets of any city, borough, &c. within the commonwealth, authorised - - p. 266

PURCHASERS.

At sheriff's or coroner's sales, enabled to obtain possession p. 266
See Title Sheriffs.

Q

QUARANTINE. See Health Office.

R

RELF, SAMUEL.

Provision for payment of a sum due him for newspapers furnished the legislature - - - p. 655

RITTENHOUSE, DAVID.

His surviving executrixes to be required to pay into the treasury of Pennsylvania, certain monies in their hands, part of the proceeds of the sloop Active - - p. 635
In default of such payment to be proceeded against by the attorney-general - - - *ibid*
To be indemnified in making the payment - p. 636

ROADS AND RIVERS.

The act to enable the Governor to incorporate a company for opening a canal, &c. between the rivers Delaware and Schuylkill, revived and continued for five years - - p. 102
Act for incorporating a company for opening a canal, &c. between Schuylkill and Susquehanna, revived and continued *ibid*
The general law for laying out and keeping in repair the public roads and highways - - - p. 178
Part of Ten-mile creek declared a public highway - p. 73
A toll bridge to be erected over French creek, in the town of Franklin p. 167
A wing-dam to be erected on the Monongahela, by John Sherer p. 80
Time for erecting a bridge over the Delaware at Easton, extended p. 89
A further time allowed for building a permanent bridge over the Schuylkill, at or near the city of Philadelphia - p. 296

INDEX.

The Governor authorised to incorporate a company, for opening the navigation of the Conecocheague creek, from the mouth of the Falling Spring, in the town of Chambersburgh, to the Maryland line p. 507
An act to authorise Charles Smith, of the borough of Lancaster, his heirs and assigns, to erect and maintain a wing-dam in the river Juniata, under certain restrictions - p. 516
Additional provisions relative to the erection of turnpike gates on the road from the city of Philadelphia, through Germantown, to the ten mile stone on Chesnut hill, &c. - p. 517
The act to authorise a turnpike road by the best and nearest route, from the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne - p. 519
A further time allowed for receiving subscriptions for the canal to be cut between the Delaware river and Chesapeake bay p. 558
The act to authorise a turnpike road from the Rising Sun tavern, through Shoemakerstown, to the Red Lion on the old York road p. 597
Persons owning lands adjoining navigable streams of water, declared public highways, authorised to erect dams on such streams for mills and other water-works - - p. 589
The act to authorise a turnpike road from the intersection of Front-street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville, on the river Delaware - p. 418
The act to authorise a turnpike road, beginning at or near Downingstown, in the county of Chester, to Cornwall furnace, in the county of Dauphin, and from thence to the borough of Harrisburgh p. 441
The bridge over Manatawny creek, in the county of Montgomery, made a toll bridge for four years - - p. 455
An act declaring the west and westermost branches of Schuylkill, in the county of Berks, public highways - p. 582
A former appropriation for opening and improving the state road from Turtle creek to Pittsburgh, directed to be applied to the improvement of a certain part of the road from Bedford to Pittsburgh, situate between the house of Joseph Springer and Pittsburgh p. 585
An act declaring the Shenango or Pymatuning creek, a public stream or highway - - - p. 661

ROCK-FISH.

So much of an act as relates to the offering for sale, rock-fish under a certain size, repealed - - p. 23

S

SCHUYLKILL.

And Susquehanna canal and lock navigation company, act for incorporating, revived and continued for five years - p. 161

Time for erecting a permanent bridge over the Schuylkill, at or near Philadelphia, extended - - p. 295
The west and westermost branches of Schuylkill, in the county of Berks, declared public highways - - p. 582

SEATS OF JUSTICE.

In Wayne county, to be at Milford, for three years p. 165
In Armstrong, Butler and Mercer counties, how to be fixed p. 171.
Established and confirmed in Butler county - p. 361
In Mercer county - - p. 393
In Armstrong county - - - p. 646

SECRETARY.

To cause the laws and journals to be distributed p. 173, 175
To deliver all books and documents, relative to donation lands, to the land officers - - - p. 152
To exhibit an account of the expences of the executive department p. 655
Authorised, during the recess of the legislature, to receive proposals for printing the laws, journals and bills - p. 281
To receive proposals for printing the militia law, &c. p. 261
Provision for continuing the salary of the deputy-secretary p. 273
Act establishing his compensation - p. 354

SENATORS.

From this state, in the senate of the United States, instructed to endeavour to procure a repeal of the act of congress, "to provide for the "more convenient organization of the courts of the United States" p. 278
To represent this state in the senate of the United States, how to be elected - - p. 52

SHENANGO CREEK.

Declared a public stream or highway - p. 661

SHERER, JOHN.

Authorised to erect a wing-dam on the Monongahela river p. 80

SHERIFFS.

In certain cases authorised by order of orphans court, to convey lands sold by deceased persons - - p. 134
Their compensation for making return of elections for electors of president and vice-president of the United States p. 35
Within what time to make return of the election of members of congress - - - p. 148
Sheriffs or coroners sales, purchasers at, enabled to obtain possession p. 266
To give sufficient sureties for the faithful execution of their official duties - - - p. 497
Until sureties are given no act of theirs to be valid p. 502

INDEX.

Limitation for bringing suits against said sureties . p. 59?
In case of the death or removal of a sheriff, coroner to exercise the office 'till another be appointed - p. 50?
To give a bill of particulars and receipt for fees, whether demanded or not - - - p. 564
A copy of the foregoing provision to be fixed up in the office for public inspection - - - p. 505
Sheriffs selling lands, &c. by virtue of an execution from the supreme or circuit courts and dying or being removed before a deed is made to the purchaser, how he is to proceed to obtain the title p. 623

SMITH, CHARLES.

Authorised to erect and maintain a wing-dam on the Franks town branch of the river Juniata - - p. 316

SMITH, THOMAS AND JOHN.

Act granting them an island and bar in the river Delaware p. 94

SMITH, PETER.

Certain donation land granted to him and wife - p. 577

SOMERSET COUNTY.

Commissioners of, empowered to sell and convey certain lots of ground in Somerset town - - p. 351
Election districts - - - p. 16, 60, 294

SOUTHWARK.

Commissioners of, empowered to appoint wood-corders p. 59

STATE TREASURER.

Provision for choosing a successor to Jacob Carpenter, esquire, deceased - - - p. 352
See Treasurer.

STAVES.

What staves shall be deemed merchantable - . p. 573

STEELE, GENERAL.

And William Calhoun, empowered to sell and convey a certain tract of land, for the use of Drumore township, in Lancaster county p. 105

SUITS.

Certain, in Westmoreland county, instituted on official bonds, not to be discontinued by reason of the death of the nominal plaintiffs p. 104

SUNBURY.

Additional privilege granted to the borough of Sunbury p. 18

Eight common council-men to be elected annually, who shall take an oath of office - - - - - p. 367
Powers of the burgesses, assistants and common council-men p. 368
Their laws and ordinances not to have operation, 'till after ten days publication - - - *ibid*
A certain lot in the borough of, to be sold by commissioners of Northumberland county - - p. 579

SURVEYORS.

Deputy-surveyors or assistants authorised to administer oaths to chain-carriers - - - p. 668

SUSQUEHANNA.

Governor to correspond with the executive of Maryland, relative to the navigation of the river Susquehanna - p. 286
Islands in, grantable by warrant, pursuant to the act of 6th of March, 1793 - - - p. 96
The use of part of its waters granted to William Wright, for the supply of water-works, on certain conditions - p. 343

SWATARA CREEK.

In the county of Dauphin, mill-dam to be erected across by Abraham Landis - - - p. 298
By Samnel Bell and Nicholas Gerst - p. 345

T

TAXES.

The tax on writs, payable by prothonotary of the supreme court taken off - - - p. 4
Road tax to be assessed and apportioned - p. 183
How to be collected and mode of compelling payment p. 184
Proceedings where the tax on unseated lands is not paid p. 185
Tenants of non-residents liable for the tax - p. 186
Of adjusting the accounts of county treasurers, for the arrears of state taxes - - - p. 49

TEN-MILE CREEK.

Part of, declared a public highway - p. 78

TREASURER.

Of the corporation of the city of Philadelphia, how to be appointed p. 7
Act to facilitate the settlement of the accounts of county treasurers for arrears of state taxes - - p. 49
County treasurers to keep the accounts of exempt fines separate from other accounts, and compensation therefor - p. 211

Not

Not to serve longer than three years, in any term of six years p. 476
State treasurer's report to be printed . p. 280
Act to provide for filling the vacancy in the office of state treasurer, occasioned by the death of Jacob Carpenter, esquire p. 352
The treasurer of Cumberland county, athorised to advance six thousand dollars to the trustees of Dickinson college p. 464
Certain monies to be paid to the state treasurer, by the representatives of David Rittenhouse, deceased - p. 635
TRINITY Church. See Church: Philadelphia.

TRUSTEES.

Of Mifflin county appointed - - p. 136
Of Wayne county, their accounts to be settled and their powers vested in the county commissioners - - p. 346
Additional appointed for the county of Beaver p. 349
Of Dickinson college, six thousand dollars loaned them by the state, in aid of said college - - p. 464
Of Indiana county appointed - p. 574

TURNPIKE ROADS.

From the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne p. 319
From the Rising Sun tavern, through Shoemakerstown, to the Red Lion on the old York road - - p. 397
From the intersection of Front-street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville on the river Delaware p. 418
From Downingstown, in the county of Chester, to Cornwall furnace, in the county of Dauphin, and from thence to the borough of Harrisburgh - - - - p. 441

TURTLE CREEK.

An act changing the appropriation to improve the road from Turtle creek to Pittsburgh - - p. 584

U V

VENANGO COUNTY.

Election districts - - p. 643
VESSELS. See Health Office.

W

WALLACE, BURTON.

s title to certain real estate confirmed - p. 48

WARDENS.

ard of, for the port of Philadelphia, established p. 542

WARRANTS.

antable for islands in the river Susquehanna, agreeably to the act of 6th of March, 1793 - - p. 96
me for making application for warrants extend to the 3d of April, 1805 - - - p. 25
ot to issue for lands north and west of the Ohio, for which warrants have already issued - - p. 159
oceedings in such cases - - *ibid*

WASHINGTON COUNTY.

ne boundaries of Washington and Greene counties altered p. 19

WASTE.

writ of estressement to prevent waste may be issued in vacation, upon affidavit filed - - p. 625

WAYNE COUNTY.

at of justice in, removed to Milford - p. 165
n act for settling the accounts of the trustees of Wayne county and vesting their powers in the county commissioners p. 346
lection districts - - p. 355

WESTMORELAND COUNTY.

ertain suits therein, founded on official bonds, not to be discontinued by reason of the death of the nominal plaintiffs p. 103
lection districts - - p. 83, 289
arts of Westmoreland and Lycoming counties, erected into a separate county - - - p. 573

WICKERSHAM, JAMES.

With others empowered to convey a certain piece of land in York county to Cornelius Garretson - - p. 65

WILEY, ISAAC.

Act for the relief of - - p. 125

WILLIAMS, PETER.

Act for the relief of - - p. 28

INDEX.

WING-DAM.

John Sherer authorised to erect a wing-dam on the Monongahela river p. 8.

Charles Smith, of the borough of Lancaster, authorised to erect a wing-dam on the river Juniata - - - p. 31

WISTER, WILLIAM.

Certain parts of his undivided real estate to be sold by Samuel Miles p. 373

WOLVES.

Act further to encourage the killing of wolves - p. 29

WOOD-CORDERS.

For Southwark, by whom to be appointed - p. 53

WRIGHT, WILLIAM.

Authorised to lead off and use part of the waters of the Susquehanna, on his own land, in York county - p. 348

Y

YORK BOROUGH.

The expence of rebuilding a church in said borough, to be defrayed by lottery - - - p. 314

YORK COUNTY.

Certain lands in, to be conveyed to David Blyth and others p. 471

Election districts - - p. 61

The Governor empowered to employ counsel to assist in defending certain suits now pending in the circuit court of the United States, against sundry persons residing within the supposed manor of Springetsbury, in said county - - p. 675

ERRATUM.

For "Estreffement," page 625, and in Index, read *Estrepement*.

1108